

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 203 OF 2018

Neha Rathore, W/o Manoj Rathore, aged about 30 years, R/o Panna Nagar, Jarhabhatha, Bilaspur, Tahsil & District Bilaspur (C.G.)

... Applicant

versus

State of Chhattisgarh, through the Station House Officer, Police Station- Pendra, District Bilaspur (C.G.)

... Non-applicant

For Applicant	:	Mr. J.K. Saxena, Advocate.
For Non-applicant/State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/04/2018

1. The present is an application under Section 438 of CrPC seeking for grant of anticipatory bail to the Applicant who is apprehending her arrest in connection with Crime No. 34/2018, registered at Police Station- Pendra, District- Bilaspur, for the offence punishable under Sections 294, 506-B, 323, 341, 427, 392/34 of IPC.
2. As per the prosecution case, allegation against the Applicant is that on 24.1.2018 the Applicant along with her husband and father is said to have assaulted the Complainant and also looted an amount of 5000-6000 rupees from the possession of the Complainant.
3. Learned Counsel for the Applicant submits that it is a case where the accused persons have been falsely implicated at the instance of the Complainant who appears to be a powerful person and that the entire incident happened when the Applicant and her husband along with their children were travelling in a bus and had objected to the abusive language used by the Complainant on the mobile phone at a loud voice and which the Complainant opposed and thereafter a scuffle also took place between the parties. Subsequently, the Complainant is said to have threatened them to teach a lesson when the bus reaches at Pendra and when the bus

reached at Kudri the Complainant is said to have again misbehaved with the Applicant and started assaulting her husband and thereafter, after reaching Pendra immediately a false complainant has been lodged against the Applicant and her husband and father who have since been released however the Applicant has moved the present application for grant anticipatory bail application.

4. Learned Counsel for the State however opposes the anticipatory bail application and submits that from the statement of the Complainant it appears that that the Applicant and other accused persons is said to have stolen an amount of 4000-6000 rupees belonging to the Complainant and also a mobile phone belonging to the Complainant and also assaulted the Complainant and in the given factual matrix of the case, the Applicant does not deserve to be granted the benefit of anticipatory bail.

5. Having heard the contentions put forth on either side particularly taking into consideration the nature of allegations levelled against the Applicant, moreover considering the fact that the Applicant is a young lady with two minor children, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is ordered that in the event of arrest of the Applicant in connection with Crime No. 34/2018, registered at Police Station- Pendra, District- Bilaspur, for the offence punishable under Section 294, 506-B, 323, 341, 427, 392/34 of IPC, if she furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then she shall be released on bail on the following further conditions :

- (i) that the applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(P. Sam Koshy)
Judge

/sharad/