

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 603 of 2017

1. Smt. Amrwati Devi W/o Anil Kumar Aged About 29 Years R/o Village Mahewa , Police Station Basantpur, District- Balrampur- Ramanujganj Chhattisgarh. (Note P.S. And Village Wrongly Mintioned)
2. Kumari Kiran D/o Shankar Prasad Aged About 18 Years R/o Village Mahewa , Police Station Basantpur, District- Balrampur- Ramanujganj Chhattisgarh. (Note P.S. And Vilalge Wrongly Mentioned)

---- Applicants

Versus

State Of Chhattisgarh Through Police Chaouki- Wadrafnagar, Police Station Basantpur, District- Balrampur, Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants	:	Shri A.K. Yadav, Advocate
For State	:	Shri Avinash Singh, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/01/2018

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the applicants apprehending their arrest in connection with Crime No.63/2017, registered in Police Chouki-Wadrafnagar, Police Station -Basantpur, Balrampur, for alleged commission of offence under Sections 147, 148, 353, 323, 506, 332, 184 & 427 IPC.
2. At the outset, learned counsel appearing for the applicants seek to withdraw application of applicant No.1- Smt. Amrwati Devi with liberty to apply for grant of regular bail. He prays that the trial Court may be directed to decide regular

bail application of applicant No.1 on the same day.

3. Considering the above submission, the application of **applicant No.1- Smt. Amrwati Devi** is dismissed as withdrawn with liberty to apply for grant of regular bail before the Court below.

In case **applicant No.1- Smt. Amrwati Devi** surrenders and applies for regular bail, her bail application shall be considered and decided by the Court below within 3 days.

4. Case of the prosecution, in brief, is that during removal of encroachment on Govt. land, Tahsildar and SDO were assaulted by the applicant and other co-accused in which incident, both the officers sustained injury.
5. Learned counsel for applicant- Kumari Kiran would submit the applicant has been falsely implicated. Applicant Kiran has been involved only because she happened to be daughter of Shankar Prasad who had dispute with alleged encroacher.
6. On the other hand, learned counsel for the State would submit that when the Govt. officials had reached the spot and proceedings of removal of encroachment from Govt. land were going on, number of villagers including the present applicant and other co-accused surrounded and they started pelting bricks and stones on the Govt. officials and caused injury, therefore, prima facie case is made out against the applicant.
7. Taking into consideration the submissions made by learned counsel for the parties, considering the statements of Umesh Patel, SDO and Ramraj Singh, Tahsildar, application of applicant – **Kumari Kiran** is allowed.
8. It is directed that in the event of arrest of applicant- Kumari Kiran in connection with the aforesaid offence, she shall be released on bail by the arresting officer on her furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make herself available for interrogation by the police officer as and when required;

(ii) 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 from disclosing suchs facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen