

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1500 of 2018**

1. Smt. Saraswati Bai, W/o. Manharanlal Gupta, Aged About 65 Years, R/o. Sakin Rahaud Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh.
2. Smt. Ritesh Tawar, W/o. Pravin Kumar, Aged About 65 Years, R/o. Sakin Rahaud, Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sushil Dubey, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/11/2018**

1. Apprehending arrest in connection with Crime No.246/2018, registered at Police Station – Shivrinarayan, District – Jangir-Champa (C.G.) for offence punishable under Section 147, 148, 149, 307 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. According to the FIR and the statement of the witnesses, the applicants arrived

in the spot after the incident had taken place. The allegation against the applicants that they participated in the assault is totally false. Both the applicants are women, therefore, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the evidence present in the case diary clearly shows the involvement of this applicant in the crime committed. Hence, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that on the date of incident i.e. on 27.09.2018, co-accused persons accosted the complainant Ramesh Gupta and assaulted him with club, rod and hockey stick. When the assault was going on, it is alleged that these applicants arrived on the spot armed with club and also participated in the same.
6. Considered the submissions made and the contents of the case diary. Considering on the evidence present in the case diary and that the medical report of injury on the injured person shows only two injuries, whereas it is alleged that assault was made by five persons. Hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in

sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram