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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1697 of 2018

- Smt. Munnibai Dewangan W/o Late Ramchand Dewangan, Aged About 57 Years, Occupation Head Master, Government Primary School Sukukdaihan, R/o Ward No. 1 Bajrangpur Navagaon Tahsil And District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Lalbagh District Rajanandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shaleen Singh Baghel, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-12-2018

1. Heard.
2. Admit.
3. Apprehending arrest in connection with Crime No.356/17, registered at Police Station – Lalbagh, District Rajanandgaon, Chhattisgarh for offence punishable under Section 376, 34 of the IPC and Section 4, 20, 21 of the POCSO Act, the applicant has preferred this application for grant of anticipatory bail.
4. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant was not aware of the offence that had been committed and she had simply advised the complainant in a bonafide manner. The applicant has never made any attempt to suppress the information regarding commission of crime. She is Head Mistress of Government Primary School Sukuldaihan in Bajrangpur Navagaon, Distt. Rajnandgaon. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
5. Learned counsel for the State/non-applicant opposes the application

submitting that this applicant had accompanied the main accused and had attempted to help him out, therefore, she is not entitled for grant of anticipatory bail.

6. Heard learned counsel for the parties and perused the case diary.

7. According to the written complaint filed by Gomati Sahu, mother of the prosecutrix of age about 7 years, the prosecutrix was raped by main accused Santosh Gadpayle and when the prosecutrix complained about her physical condition, this applicant approached along with the main accused and advised the complainant to not to go for any complaint to the police. Hence, this case.

8. After considering on the entire material present in the case diary and looking to the limited role attributed on the part of this applicant, I feel inclined to allow this application.

9. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the 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 her by the said Court till disposal of the trial.

10. The application stands disposed off at the motion stage.
11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil