

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 578 of 2019

- Smt. Hemanti Yadav W/o Shri Prabhakar Yadav Aged About 45 Years R/o Village Jhagarpur, P.S. Bageecha, District Jashpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Bageecha, P.S. Bageecha, District Jashpur Chhattisgarh.

---- Respondent

For Applicant : Ms. Meena Shastri, Advocate.
For Respondent/State : Mr. Sumit Singh, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/02/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with Crime No. 188/2018, registered at Police Station–Bageecha, District- Jashpur (C.G.) for the offence punishable under Section 294, 186, 307 & 34 of the IPC.
2. As per the prosecution story, present applicant is the mother of one Sandeep Yadav, in offence under Section 294, 506, 323, 427 of IPC and Section 3(1)(ख) of the ST/SC Act has been registered against Sandeep Yadav. Allegedly, on 24.12.2018, present applicant and his husband namely Prabhakar Yadav taken their son Sandeep Yadav from the custody of police. On the basis of said, crime no. 186/2018 for the offence punishable under Section 294/506, 323, 186, 332 & 353 has been registered

against the present applicant and her husband/co-accused. It is further alleged that during course of investigation of the crime number 186/2018, in the intervening night of 24.12.2018 & 25.12.2018, police party reached in the house of present applicant for searching Sandeep Yadav, at the same time present applicant and her husband/co-accused assaulted the police party and also fired on them. On the basis of said, present case has been registered. The applicant is in custody since 30.12.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. She further submits that son of the Applicant Sandeep Yadav has already granted bail but police officials were not released him due to that a dispute has arisen between the applicant and the police party. The applicant herself intimated the above mentioned fact to the police party regarding bail of her son, inspite of that police party entered in her house, abused the applicant and his husband/co-accused and also fired on them through their service gun. Regarding this, a complainant has already been made by the applicant to the Superintendent of Police on 26.12.2018. The applicant is a lady and she is custody since 30.12.2018 and trial will take some time. Therefore, she may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 30.12.2018 and trial will likely to take some time, without further commenting on merits of

the case, I am inclined to release the Applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for her appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge