

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 249 of 2019

- Ku. Sureshwari Singh @ Guddi D/o Late Shri Kashiram Singh, Aged About 42 Years, Caste Gond, Occupation Shiksha Karmi Grade II, R/o Adarsh Nagar, Sitapur, Police Station And Tahsil Sitapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Sitapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri I. Lakra, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-04-2019

1. Apprehending arrest in connection with Crime No.1/2019, registered at Police Station – Sitapur, District Surguja, Chhattisgarh for offence punishable under Section 294, 506, 324 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. There is no evidence to make out a case under Section 324 of the IPC which is a non-bailable offence. According to the affidavit filed by the S.H.O., injuries caused to the victim in this case were simple in nature. The fact is this, that the applicant and the complainant both had some dispute, the applicant had been continuously making complaints to the police on which no action were taken and thereafter a dispute arose on the date of incident regarding which complaints were made from both the sides. On the basis of the complaint made by the applicant, only a case under Section 107, 116 of the Cr.P.C. has been registered, whereas, the false FIR was lodged against this applicant. The applicant is a Shiksha Karmi, hence, in case she is arrested, she will suffer in

her career. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. On the date of incident for the reason of some previous dispute the applicant and the complainant party both engaged in a quarrel in which this applicant abused, threatened and then assaulted complainant Manisha Yadav with a spade, which resulted in one injury on her hand, regarding which the FIR has been lodged.

6. After considering on entire material present in the case diary, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge