

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 580 of 2019

1. Magan Gupta S/o Sunder Lal Gupta Aged About 60 Years R/o Village Dhobhar, Police Station-Pendra, District-Bilaspur Chhattisgarh.
2. Smt. Sandhya Gupta W/o Magan Gupta, aged about 55 years, R/o Village-Dhobhar, Police Station-Pendra, District-Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pendra District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Yogendra Chaturvedi, Advocate.
For Respondent	:	Mr. Rahim Ubwani, Panel Lawyer.
For Objector	:	Mr. Varunendra Mishra, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/04/2019

1. Learned counsel for the applicant No.1 seeks permission of this Court to withdraw his application filed under Section 438 of Cr.P.C.
2. Accordingly, the bail application filed under Section 438 of Cr.P.C is dismissed as withdrawn.
3. The concerned Court is directed to decide the application for regular bail of the applicant No.1 preferably and practicably on the same day on which the applicant surrenders before it.
4. The applicant No.2 has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime

No.41/2019 in Police Station-Pendra, District-Bilaspur(C.G.), for the offence punishable under Sections 294, 323, 506, 307, 34 of the Indian Penal Code.

5. Learned counsel for applicant No.2 submits that applicant is innocent and has been falsely implicated in this case. It is submitted that although it is mentioned in the FIR that applicant No.2 was present at the place of incident but she has not participated in the incident of assault in any manner. She is 55 years old lady, therefore, it is prayed that she may be granted anticipatory bail.
6. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that there are 3 injured persons in this case who have been assaulted with wooden plank which clearly shows that the applicant and others had intention to cause death of injured persons, therefore, application be rejected.
7. Learned counsel for the Objector after adopting arguments advanced by State counsel submitted that because of land dispute the applicant No.2 and others with a common intention initiated quarrel and then assaulted the injured persons in which applicant No.2 was also an active participant, therefore, her application be rejected.
8. Heard both the parties and perused the case diary.
9. According to FIR lodged, on 19.2.2019 at about 18 pm, for the reason that the complainant was raising a wall on the disputed property this applicant and other co-accused persons arrived on the spot, abused and threatened the complainant and others. One of co-accused namely Navin Gupta assaulted the injured persons with wooden plank causing injury on their head regarding which FIR has been lodged.
10. After considering the entire material present in the case diary and the

evidence regarding participation of applicant No.2 in the incident, I am of this opinion that this is a fit case where applicant No.2 should be granted anticipatory bail.

11. Accordingly, the anticipatory bail application of applicant No.2 is allowed and it is directed that in the event of arrest of applicant No.2 in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant No.2 shall also abide by the following conditions :

- (i) that the applicant No.2 shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant No.2 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 them/these from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant No.2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant No.2 shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge