

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 1217 of 2019

- Nooreshi Nirala W/o Foolsingh Nirala Aged About 33 Years R/o Village Bisanpur, Police Station Bilaigarh, District (Revenue And Civil) Balodabazar - Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bilaigarh, District (Revenue And Civil) - Balodabazar Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Sumit Jhawar, Advocate.
For State/respondent	: Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-09-2019

Heard.

1. Apprehending arrest in connection with Crime No.213/2019, registered at Police Station– Bilaigarh, District- (Revenue & Civil) Balodabazar, Chhattisgarh for offence punishable under Section 294, 452, 354/34 of the I.P.C., the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that there is no evidence present to show that this applicant has participated in any overt act for commission of the offence as alleged. All the allegations are mainly against the co-accused- Foolsingh Nirala. Therefore, it is prayed that she may be granted anticipatory bail.
3. Learned counsel for the State opposes the application.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the F.I.R. has been lodged that on the date and time of incident, the co-accused- Foolsingh Nirala came along with this applicant, who is his wife and then it was Foolsingh Nirala, who was making a statement to the complainant, that he had played a role in getting arranged a raid for Satta and then started abusing the complainant and his whole family by use of filthy words. The grandmother of the complainant tried to stop him, the co-accused- Foolsingh Nirala then entered into her shop caught hold of her hand and stated that he would rape her. Thereafter, the co-accused removed his clothes to show his private part and thus made an indecent gesture regarding which, the complaint had been made.
6. Considering that according to the F.I.R. lodged, this applicant was only present throughout the incident that occurred but she has not participated herself. Therefore, I feel inclined to allow this application.
7. Hence, the bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika