

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.175 of 2020

1. Uma Narsingh W/o Kapil Narsingh Aged About 52 Years R/o- Gujrati Para Raigarh, Tahsil And District- Raigarh, Chhattisgarh
2. Aanand Narsingh S/o Kewal Narsingh Aged About 30 Years R/o- Gujrati Para Raigarh, Tahsil And District- Raigarh, Chhattisgarh
3. Aashish Narsingh S/o Kewal Narsingh Aged About 28 Years R/o- Gujrati Para Raigarh, Tahsil And District- Raigarh, Chhattisgarh ---- **Applicants**

Versus

State Of Chhattisgarh Through Thana Prabhari- City Kotwali, District- Raigarh, Chhattisgarh ---- **Respondent**

For Applicants	:	Mr. Amit Kumar, Advocate.
For Respondent/State	:	Ms. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/06/2020

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.869/2019 registered at police station – City Kotwali, District Raigarh (C.G.) for alleged commission of offence under Section 294, 506, 323, 147, 148, 149, 307 of IPC.

2. At the outset, learned counsel for the applicants seeks to withdraw the application of applicant No.2/Aanand Narsingh and applicant No.3/Aashish Narsingh on the submission that in view of grant of regular bail to some of the co-accused, applicant No.2/Anand Narsingh and applicant No.3/Ashish Narsingh intend to file regular bail after surrender.

3. In view of the said submission, the application of applicant No.2/Aanand Narsingh and applicant No.3/Aashish Narsingh is dismissed as withdrawn with

liberty to apply for regular bail after surrender.

4. As far as applicant No.1/ Uma Narsingh is concerned, the prosecution case is that applicant No.1/Uma Narsingh along with other co-accused assaulted Ankit, Smriti, Santoshi and Poonam and injured. It is alleged that in the attack, one of the accused used sword also.

5. Learned counsel for the applicant submits that as far as Applicant No.1/Uma Narsingh is concerned, she has been falsely implicated. She did not share any common intention with any of the co-accused to cause death of injured person. Next submission is that similarly situated co-accused namely Shiwani Narsingh and Smt. Nandani Narsingh have been granted anticipatory bail by this Court vide order dated 17.06.2020 in M.Cr.C.A No.176 of 2020. Therefore, applicant No.1/Uma Narsingh may also be granted bail.

6. On the other hand, learned counsel for the State opposes and submits that from the statement of injured witnesses, a prima facie case is made out because all of them and present applicants are involved in the incident of assault, wherein, sword was also used showing intention to cause death. It is also submitted that case of Shiwani Narsingh and Smt. Nandani Narsingh is different from the present applicant-Uma Narsingh in as much as they have been granted bail on the ground that they are young ladies, whereas, Uma Narsingh is not a young lady.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that co-accused Shiwani Narsingh and Smt. Nandani Narsingh have been granted anticipatory bail vide order dated 17.06.2020 in M.Cr.C.A No.176/2020 taking into consideration that upon compromise, some of the main accused have been granted regular bail and then Shiwani Narsingh and Smt. Nandani Narsingh, young ladies, in the opinion of this Court, applicant No.1/Uma Narsingh is also entitled to benefit of anticipatory bail as other lady accused Shiwani Narsingh and Smt. Nandani Narsingh have been granted benefit of anticipatory bail and some of the main accused, on the basis of compromise, have been granted regular bail. The application of applicant No.1/Uma Narsingh is accordingly allowed.

8. Accordingly, it is directed that in the event of arrest of the **applicant**

No.1/Uma Narsingh in connection with the aforesaid offence, she shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and **applicant No.1/Uma Narsingh** shall abide by all the following terms and conditions -

- (i) that she shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that she 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 her from disclosing such facts to the Court or to any Police Officer.
- (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

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