

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 964 of 2020**

Kumari Asha Yadav D/o Shri Yashwant yadav, Aged about 23 years R/o Village Chorahadevi Khaira (Dagania), P.S. Ratanpur, District Bilaspur, Present Address C/o Shri Himanshu Yadav, In front of Magneto Mall, Vidya nagar, Distt. Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Ratanpur, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Yatharth Singh, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**30/09/2020**

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as she is apprehending her arrest in connection with Crime No. 226/2020 registered at police station – Ratanpur, District Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 294, 323, 506 & 307 of the IPC.
3. In this case there are total 7 accused persons. According to the case of the prosecution, it has been alleged that on 29/03/2020 at about 8:00 pm, the applicant along with other co-accused persons assaulted Complainant Krishna Yadav and his family members due to which they sustained injuries on their body. The matter was reported by the

Complainant and on that basis offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to previous enmity. The applicant was not present on the date of incident and she was in Bilaspur for attending her examination. He further submits that a counter FIR has also been lodged by the applicant and her family members against the Complainant's party. He further submits that if the entire case is taken as it is, yet no offence under Section 307 of the IPC is made out against the applicant. There is no direct allegation of Marpeet against the applicant. Though the injured had sustained injury on his head, that is not of grievous nature and other injuries are simple in nature. He further submits that all other accused persons were arrested and have been granted regular bail. The applicant is unmarried girl and no custodial interrogation is required in the present case, therefore, he prays to extend the benefit of anticipatory bail to the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, particularly considering that there is no direct allegation against the applicant and other co-accused persons have been granted regular bail, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge