

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6199 of 2020**

- Smt. Hemlata Netam, W/o Gaganeshwar Netam, aged about 23 Years, Resident of Village- Anesar, Police Station- Deobhog, District- Gariyaband, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police- Station- Deobhog, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant
For State

Shri K.K. Dewangan, Advocate.
Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

26/11/2020

1. The applicant has preferred this application under Section 439 of Cr.P.C. as she is in jail since 03.08.2020 in connection with Crime No.120/2020 registered at Police Station- Deobhog, District Gariyaband, C.G. for the offence punishable under Section 326 of Indian Penal Code.
2. Allegation against the present applicant is that she was having affair with the son of the complainant namely Ishwar Netam. On 02.08.2020 at 10-11:00 pm, son of the complainant namely Keshri Netam received a call from the applicant and thereafter left the home. However, at 12-12:30 in the night his son came back to his home in pool of blood and on being asked he informed the complainant that it is the applicant who cut his private part with

shaving blade. On report being lodged to the above effect, offence under the aforesaid section has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and she has been falsely implicated in this case. He submits that in fact the injured was trying to commit rape with the applicant and in order to save her modesty, the applicant assaulted the injured. He submits that on counter report being lodged by the applicant offence under Sections 354 (B), 376, 511 of IPC is registered against the injured under crime No.121/2020. He submits that initially offence under Section 326 of IPC was registered against the applicant but later when the charge sheet was filed offence under Section 307 of IPC has also been added. The applicant is in jail since 03.08.2020, conclusion of the trial is likely to take some time and, therefore, the applicant be released on bail by imposing suitable conditions.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the fact that initially FIR was registered for offence under Section 326 of IPC which is triable by Magistrate First Class but later at the time of filing of charge sheet offence under Section 307 of IPC was also added, there is counter FIR by the applicant against the injured, the injured has been discharged from the hospital, there is no criminal antecedent of the applicant as admitted by both the

counsel, the detention period of the applicant and the fact that conclusion of the trial is likely to take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is allowed. It is directed that in the event of applicant executing a personal bond for a sum of **Rs.25,000/-** with one surety to the satisfaction of the concerned trial Court, she shall be released on bail on the following conditions:-

- (i) 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 him from disclosing such fact to the Court,
- (ii) She shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) She shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
- (iv) She shall not involve herself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh