

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7290 of 2020**

- Jamuna Markam W/o Naresh Kumar Markam, aged about 29 years, R/o Dumarkachar, Kacharpara, Thana-Pali, Sanjay Das S/o Anjor Das, aged about 25 years (Sanjay Das name is wrongly mentioned) R/o Dumarkachar, Kacharpara, Thana-Pali, District Korba C.G.

-----Applicant**Versus**

- State of Chhattisgarh through-District Magistrate, District Korba, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Vijay Kumar Sahu, Advocate
For Non-applicant	:	Mr. Vikram Sharma, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****17/12/2020**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as she has been arrested in connection with Crime No.179/2020 registered at Police Station Pali, District Korba (C.G.) for the offence punishable under Section 323, 506, 34 of IPC & Section 4, 5 of Tonhi Pratadna Act.
2. Case of the prosecution is that on 20.03.2020, complainant lodged a written complaint to police that Naresh Kumar Markam, Laxmi Narayan, Savitri Bai and present applicant, on account of suspicion that the complainant is indulged in playing witchcraft on the father of Naresh Kumar Markam, has assaulted her near temple premises. On the basis of complaint, during the course of investigation, statement

of complainant was recorded on 30.07.2020 and 01.08.2020 and thereafter the applicant along with three other persons were arrested on 02.08.2020.

3. Mr. Vijay Kumar Sahu, learned counsel for the applicant submits that the applicant is an innocent person, she has not committed any offence as alleged against her. Applicant has not teased the complainant or assaulted her but the implication of the applicant has been made on account of old enmity. Other co-accused persons by name Naresh Kumar Markam, Laxmi Narayan and Savitri Bai have already been enlarged on Bail on 22.09.2020 in MCRC No. 5402/2020, the case of the present applicant also stands on the same footing.
4. Opposing the submission made by learned counsel for the applicant, Mr. Vikram Sharma, learned Deputy Government Advocate submits that the complainant has specifically made allegation against the present applicant and after recording of the statement of complainant and her witnesses under Section 161 of CrPC, applicant was taken into custody.
5. I have heard learned counsel for the respective parties.
6. Considering the entirety of the facts and circumstances of the case, nature of allegation levelled against the present applicant, further considering the fact that other three co-accused have been enlarged on Bail *vide* order dated 22.09.2020 in MCRC No. 5402/2020, without commenting on merits of the case, I am inclined to enlarge the applicant on Bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) She shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge