

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 425 of 2021**

- Geeta Devi W/o Bhagirathi Aged About 52 Years R/o Village Lavasara P.S. Baradwar, Tehsil Sakti District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh through P.S. Baradwar Tehsil Sakti District Janjgir Champa Chhattisgarh.

---- Non-applicant

For Applicant	:	Mr. Basant Dewangan, Advocate.
For State	:	Ms. Ishwari Ghritlahre, Panel Lawyer
For complainant	:	Ms. K. Tripti Rao, Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****23-02-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as she is in jail since 5-12-2020 in connection with Crime No. 358 of 2020 registered at Police Station Baradwar , District Janjgir-Champa (CG) for the offence punishable under Sections 294, 506, 323, 307 and 34 of IPC.
2. The case of the prosecution, in brief, is that on 4-2-2020 complainant namely Vinod Kumar Agrawal lodged a report in Police Station stating therein that when he was going to Patwari, along with his family members, co-accused Bhagirathi Kurre and

Kaushal Kurre assaulted upon Vinod Kumar Agrawal and Usha Bareth was assaulted by Bhagirathi Kurre and Kaushal Kurre by knife and when Usha Kurre and Sahdev Kurre intervened, present applicant assaulted them by club.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, the injuries sustained by Usha Bareth and Sahdev Bareth who were allegedly assaulted by the present applicant with club are simple in nature. No club injury was found on their person. He would further submit that the charge sheet has been filed, she is in jail since 5-12-2020, and conclusion of the trial is likely to take some time, therefore she may be released on bail.
4. On the other hand, learned counsel for the State as well as counsel for Objector oppose the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, looking to the nature of injuries sustained by victims, applicant allegedly assaulted the victims with club but no club injury was found on their person, detention period of the applicant, who is 52 years old lady, there is no likelihood of the applicant tampering with evidence or absconding, charge-sheet is filed, and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit

case to grant bail to the applicant.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on her executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court. She shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted 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,
- 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, and
- iv. she shall not involve herself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this court.

Sd/-

(Gautam Chourdiya)
Judge

Raju