

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C.(A) No. 169 /2021**

1. Kumari Kiran Sinha, D/o. Shri Daulal Sinha. Aged About 24 Years.
 2. Smt. Kirtibai Sinha @ Kalyani, W/o. Shri Daulal Sinha, Aged About 45 Years.
 3. Aman Sinha, S/o. Shri Daulal Sinha, Aged About 22 Years.
- All are R/o. Village Khartuli, District Dhamtari, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh, Through Police Station Arjuni, District Dhamtari,
Chhattisgarh

---- Respondent

For Applicants	:	Mr. Avinash Chand Sahu, Advocate
For Respondent	:	Mr. Rahul Jha, Govt. Advocate
For Objector	:	Mr. Raza Ali, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11.08.2021**

1. Apprehending arrest in connection with Crime No.516/2020 registered at Police Station- Arjuni, Distt. Dhamtari, for the offence punishable under Sections 147, 148, 294, 323, 506 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 23.12.2020, a report was made by one Nand Kumar Sinha (Crime No.515/2020) and another FIR was lodged by one Kailash Kumar Sinha (Crime No.516/2020) that over cultivating the ancestral land which belong to the shares of the family members, while the parties were cultivating, an open fight took place and ladies of both the family called the male members who came armed and assaulted each other which caused grievous injury as also fatal injury to both the victims.

3. Learned counsel for the applicants would submit that applicant No.3 Aman Sinha has already been arrested, therefore, his anticipatory bail application has become infructuous. He further submits that the ladies have not participated in such quarrel and they were only tried to intervene and one of the applicant Smt. Kirtibai Sinha was not present on the spot and her name has been falsely implicated. He submits that the male member has already been arrested, therefore, no custodial interrogation would be required, therefore, the applicant No.1 & 2 may be given the benefit of anticipatory bail.
4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of anticipatory bail.
5. After reading of the FIR, the presence of the applicant No.2 Smt. Kirtibai Sinha has not been shown and in respect of Kumari Kiran Sinha omnibus allegations have been made and no overt act has been made, she has instigated to other male member which is also supported by the statement of Suresh Sinha. Taking into the role played by the applicants No.1 & 2 and further taking into fact that they are ladies and over a family dispute the incident occurred and the male members have already been arrested and no custodial interrogation is required, I am inclined to grant the benefit of anticipatory bail to the applicants No.1 & 2.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants No.1 & 2 in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Aks

Sd/-
(Goutam Bhaduri)
Judge