

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C.(A) No. 425 /2021**

1. Nandini Bai Sinha, W/o. Mr. Suresh Sinha, Aged About 37 Years.
2. Suresh Sinha, S/o. Mr. Manbodh Ram Sinha, Aged About 44 Years.

Both are R/o. Village Khartuli, Potiyadih, Tehsil Dhamtari, District Dhamtari, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants : Mr. Raza Ali, Advocate
For Respondent : Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board**11.08.2021**

1. Apprehending arrest in connection with Crime No.515/2020 registered at Police Station- Arjuni, Distt. Dhamtari, for the offence punishable under Sections 147, 148, 294, 323, 326, 506, 34 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.1- Nandini Bai Sinha has not participated in the commission of offence and the applicant No.2- Suresh Sinha is actually the victim who reverted back when the assault was made as self-defense, therefore, he is not an aggressor, as such, the both applicants may be given the benefit of anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and he read out the statement of the victim in the FIR.
5. Perused the FIR. Omnibus allegations have been made against Nandini Bai Sinha and against Suresh Sinha certain allegations have been attributed that he used Axe as a weapon. Taking into the nature of allegation, I am not inclined to allow the anticipatory bail application for applicant No.2- Suresh Sinha. Accordingly, the anticipatory bail application on behalf of the applicant No.2 is rejected. With respect to the applicant No.1- Nandini Bai Sinha, considering the omnibus allegation against her and taking into fact that she is lady, I am inclined to grant the benefit of anticipatory bail to the applicant No.1.
6. Accordingly, the anticipatory bail application on behalf of the applicant No.1- Nandini Bai Sinha is allowed and it is directed that in the event of arrest of the applicant No.1 in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant No.1 shall also abide by the following conditions :

- (i) that the applicant No.1 shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant No.1 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 applicant No.1 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant No.1 shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Aks

Sd/-
(Goutam Bhaduri)
Judge