

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 392 of 2021**

1. Smt. Sonmani, wife of Devi Singh, aged about 61 years, resident of 253 Shivaji Ward, Aghanpur Jagdalpur, District Baster (C.G.)
2. Smt. Babita Kashyap, wife of Chaitman Kashyap, aged about 26 years, resident of Patelpara Shivaji Ward Jagdalpur, District Baster (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station Bodhghat, District Baster (C.G.)

---- Respondent

For Applicants	:	Mr. Manish Nigam, Advocate.
For Respondent.	:	Ms. Anjali Singh Chouhan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/04/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No.129/2020 registered at Police Station – Bodhghat, District Baster (C.G.) for commission of the offence punishable under Sections 294, 323, 324, 498-A, 506 and 34 of Indian Penal Code.
2. The prosecution story, in brief, is that on 17.04.2020 a complaint was lodged by complainant Savit Baghel alleging therein that prior to five years, her marriage solemnized with co-accused Harendra Singh Baghel, and on the date of incident, co-accused Harendra Singh Baghel along with present applicant committed maarpeet with her with hands

and fists, used filthy language and also threatened to kill her. Based on this, offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are ladies and have been falsely implicated in the crime in question. He further submits that, according to the contents of FIR, no case is made out against the present applicants as the complainant had dispute with her husband only and not with the present applicants, who are sister and niece of co-accused Harendra Singh (co-accused) respectively. He also submits that except Section 498 IPC, all the offences are bailable.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the nature of allegation against the applicants, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation/medical examination before the concerned 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 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.

Sd/-

(Rajani Dubey)
Judge

pkd