

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 805 of 2021**

1. Smt. Padma Dansena W/o Janakram Dansena, Aged About 40 Years, Occupation - Homemaker,
 2. Roshan Dansena, S/o Janakram Dansena, Aged About 18 Years, Occupation - Student,
- Both resident of Village - Milupara, Thana and Tehsil Tamnaar, District - Raigarh Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through - Police Incharge - Tamnaar, District - Raigarh Chhattisgarh.

---- Non-applicant

 For Applicants : Mr. Sanjay Agrawal, Advocate

For Non-applicant/State : Ms. Anjali Singh Chouhan, Panel Lawyer

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**10.08.2021**

1. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.179 of 2021, registered at Police Station Tamnaar, District Raigarh (C.G.), for offence punishable under Sections 294, 186, 353, 332 and 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, when Police went to the house of applicants on 05.06.2021, at about 3.30 P.M. to arrest the husband of applicant No.1 and father of applicant No.2 being one of the accused in the offence registered under NDPS with the Police Station, present applicants obstructed and voluntarily

caused hurt to deter the public servant from their duty. In the said incident, applicant No.2 pushed the Police Personnel and also twisted the hand of one of the Police Personnel. Durgacharan Sahu lodged a report before the concerned Police Station, based upon which, instant crime was registered against the present applicants.

3. Mr. Sanjay Agrawal, learned counsel for the applicants would submit that applicants have not committed any offence. He submits that Police came to the house of applicants, they were in intoxicated condition, demanding Rs.50,000/- from them and upon not exceeding to their demand, they started abusing and false report has been lodged against the present applicants, hence, they may be enlarged on anticipatory bail.
4. Per contra, Ms. Anjali Singh Chouhan, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicants would submit that there are specific allegations against applicants that when Police party reached to their house to arrest Janakram Dansena husband of applicant No.1 and father of applicant No.2, they have obstructed and caused hurt to complainant who was on his duty being a public servant, hence, applicants are not entitled for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Upon putting specific query with regard to allegation of assault and twisting of hands of Police Personnel it is stated by State counsel that it is against applicant No.2 Roshan Dansena. At this

stage, learned counsel for the applicants submits that he is not pressing the application for grant of anticipatory bail with respect to applicant No.2 Roshan Dansena.

7. In view of submission made by learned counsel for the applicants, application for grant of **anticipatory bail of applicant No.2 Roshan Dansena is dismissed as not pressed.**
8. Taking into consideration entire facts and circumstances of the case, nature of allegations, particularly the fact that in the complaint, allegation of obstructing and twisting the hands of Police Personnel is against applicant No.2 and there is no specific allegation against applicant No. 1, **I am inclined to release applicant No.1 Smt. Padma Dansena on anticipatory bail.**
9. Accordingly, bail application is allowed and it is directed that in the event of arrest of **applicant No. 1 Smt. Padma Dansena** in connection with the aforesaid offence, she shall be released on anticipatory bail on her furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and she shall be abide by the following conditions :-

(i) she shall make himself available for interrogation by a police officer as and when required;

(ii) 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 her from disclosing such facts to the Court or to any police officer.

(iii) she shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh