

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 911 of 2021**

Smt. Durga Gupta W/o Shri Prakashchand Gupta Aged About 50 Years, Occupation Housewife, R/o Village Patratoli, P.S. and Tahsil Darimaa, District Surguja Chhattisgarh.

---- Applicant**Versus**

The State of Chhattisgarh through the District Magistrate, Surguja Chhattisgarh.

---- Non-applicant

For Applicant : Shri Neeraj Kumar Mehta, Advocate

For Non-applicant/State : Shri Shrikant Kaushik, Panel Lawyer

(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

11.08.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as she is apprehending her arrest in connection with Crime No.14 of 2021, registered at Police Station Darima, District Surguja (C.G.), for offence punishable under Sections 307, 341, 427, 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 16.01.2021, at about 10.00 AM, when complainant Vinod Kumar Singh was travelling in Car of Raj Mangal Singh (injured), co-accused Prakash Chand Gupta, Ritesh Gupta and others have obstructed the Car and started making an assault with club, stick etc. In the said incident, Raj Mangal Singh suffered grievous injuries over his head. He was taken to Hospital and incident was reported on the same day

to concerned Police Station at about 2.00 PM. Based on the complaint, initially First Information Report was registered against Prakash Chand Gupta, Ritesh Gupta and others. During the course of investigation, based on supplementary statement of Raj Mangal Singh (injured), present applicant is also involved in the crime.

3. Shri Neeraj Kumar Mehta, learned counsel for the applicant would submit that applicant has been falsely implicated in the case only because husband of applicant has lodged complaint against Raj Mangal Singh and Vinod Kumar Singh mentioning therein that on the date of accident, they have entered into the house of applicant, assaulted the persons present there and damaged the property. On the complaint of husband of applicant, Crime No.16 of 2021 was registered. He pointed out that in the First Information Report or in the statement which was recorded immediately after the incident under Section 161 of the Cr.P.C. immediately after registration of First Information Report, there is no mention of name of present applicant or presence of any female at the time of incident. Name of present applicant has been involved after two months of the incident based on supplementary statement of injured recorded by Police. He further pointed out that husband of applicant has taken a loan of Rs.50,000/-, which was returned, but injured and complainant were demanding more money, if not, pressuring them to hand over the property in lieu of loan amount.
4. Per contra, Shri Shrikant Kaushik, learned Panel Lawyer representing the State vehemently opposes the bail application

and submits that injured Raj Mangal Singh suffered grievous injuries over his person and there is specific allegation of assault by Prakash Chand Gupta, Ritesh Gupta and others.

5. However, on putting specific query with regard to implication of present applicant in First Information Report or in the statement recorded under Section 161 of Cr.P.C. after the incident or lodging the complaint, he submits that name of the applicant does not find place in First Information Report or statement recorded under Section 161 of Cr.P.C. immediately, but it has come in supplementary statement.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, particularly the fact that applicant has not been named in First Information Report or in the statement recorded under Section 161 of Cr.P.C. immediately after complaint or there is no mention that along with accused Prakash Chand Gupta and Ritesh Gupta, some female persons were present on spot and made assault, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
8. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant 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