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HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1056 of 2021**

- Rajkumari, wife of Heeralal, aged about 55 years, resident of village Bhunsidand, Chanwaridand, P.S. and Tahsil Manendragarh, District Korea, Chhattisgarh
- Ramvati wife of Durga, aged about 38 years, resident of village Bhunsidand, Chanwaridand, p.s. and tahsil Manendragarh, District Korea, Chhattisgarh

-----Applicants**VERSUS**

- State of Chhattisgarh through: SHO police station Manendragarh, District Korea, Chhattisgarh

-----Non-applicant

For Applicants : Mr. Hemant Agrawal, Advocate.
For Non-applicant- State : Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****07/09/2021**

1. Mr. Hemant Agrawal, learned counsel for the applicants submits that he may be permitted to withdraw bail application with respect to applicant no. 1/ Rajkumari.
2. Mr. Shrikant Kaushik, learned State counsel submits that he is having no objection to prayer made by learned counsel for applicants.
3. In view of above, anticipatory bail application with respect to applicant 1/ Rajkumari is dismissed as withdrawn.
4. Heard on application with respect to applicant 2/ Ramvati.
5. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as she apprehends her arrest in

connection with Crime No. 218/2021 registered at Police Station Manendragarh, District- Korea (C.G.) for the offence punishable under Sections 294, 506, 323, 341, 307, 34 of IPC.

6. As per the case of prosecution, on 15.07.2021 when complainant Jagarnath was travelling on his motor cycle with his friend Kamal Yadav, present applicant along with Rajkumari and Brij Mohan came on road started abusing them in filthy language. Co-accused Rajkumari and Ramvati shouted to assault complainant and have also stated to kill him. Thereafter, Brijmohan gave a blow on the head of complainant with a battle axe due to which complainant fell down on the ground. Kamal yadav took him to hospital for treatment and thereafter FIR was lodged.
7. Mr. Hemant Agrawal, learned counsel for the applicant would submit that there was previous enmity between complainant party and applicant party with respect to land upon which complainant and other villagers were harassing him and have obstructed there way for which they have also lodged report before concerned police station on 13.07.2021 against as many as 15 persons of the village including complainant. He submits that as the Sarpanch and upsarpanch are also made accused in the complaint, false allegations have been levelled against female members of the family of Brijmohan. He submits that as there is no allegation against applicant 2 that she was armed with any weapon at the time of incident, and she is having a child, she may be enlarged on anticipatory bail.
8. On the other hand, Mr. Shrikant Kaushik, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that the incident was witnessed by Kamal Yadav along

with whom injured was travelling on motor cycle and by Pritam Singh and Vinod Singh who are brothers. In the statement of witnesses it has come that Rajkumari and applicant 2 were provoking Brijmohan to assault the injured upon which Brijmohan has caused injury by means of battle axe on his head, hence, applicant is not entitled for grant benefit of anticipatory bail.

9. At this stage, Mr. Hemant Agrawal, learned counsel for applicant submits that name of witnesses as read-over by learned State counsel of Pritam Singh is accused in the complaint made by Brijmohan and the other witness Vinod Singh is his brother. He further submits that even as per the MLC report read-over by learned State counsel, there is only one incised injury caused by Brijmohan Singh.
10. I have heard learned counsel for the respective parties.
11. Taking into consideration, the fact that there was some land dispute between Brijmohan and villagers for which Brijmohan lodged report before concerned police station prior to the date of alleged incident on 13.07.2021 against villagers including Sarpanch and upsarpanch, the fact that applicant was not armed with any weapon at the time incident, she is a lady aged about 38 years. Considering the entirety of the facts and circumstances of the case, without commenting anything on merits of the case, I am inclined to allow the bail application.
12. Accordingly, application is allowed and it is directed that in the event of arrest of applicant 2/ Ramvati in connection with crime in question (218/2021), she shall be released on anticipatory bail by the Officer arresting her on her executing a personal bond in the sum of

Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

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

Sd/-
(Parth Prateem Sahu)
Judge

Pawan