

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9629 of 2021

1. Ku. Anju D/o Narayan Prasad @ Ramnarayan, Aged About 18 Years, Caste Panika, R/o Village Kaskela, Police Outpost Latori, Police Station Jainagar, District Surajpur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Police Station Vishrampur, District Surajpur (C.G.).

---- Respondent

For Applicant	: Mr. Gyan Prakash Shukla, Advocate.
For Respondent/State	: Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

15/12/2021

- 1) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 4659/2021 was dismissed as withdrawn on 26/07/2021.
- 2) The applicant is arrested on 22/03/2021 in connection with Crime No. 68/2021 registered at Police Station Vishrampur, District Surajpur (C.G.) for the offence under Section 302 of Indian Penal Code.
- 3) Allegation against the present applicant is that on 22/03/2021 she abused the deceased and also pushed her down on the ground headlong. When the deceased got up, the appellant again pushed her down on the ground and assaulted her with legs and fists. As per postmortem report, the cause of death of the deceased was head injury.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that

eye witness in the case Ku. Anita Manikpuri (PW-01) has turned hostile. Even Smt. Leelawati (PW-02) who is daughter-in-law in relation of the deceased has turned hostile and not supported the prosecution case. He submits that there is no apprehension of the applicant tampering with the evidence or absconding. He also submits that the applicant is in jail since 22/03/2021 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) I have heard learned Counsel for the parties
- 7) Considering the facts and circumstances of the case, the fact that depositions of the eye witnesses PW-01 & PW-02, the fact that as per MLC report alcohol was found in the stomach of the deceased, the manner in which assault was allegedly made by the applicant on the deceased, the detention period of the applicant who is 18 years old, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. 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 him from disclosing such fact to the Court,
 - ii. she shall not act in any manner which will be prejudicial to fair and expeditious trial,
 - iii. she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial,
 - iv. she shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,

- v. she shall not involve herself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving herself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant