

THE HIGH COURT OF MADHYA PRADESH

MCRC-18557-2021

(Smt. Sheela Sikarwar Vs. State of M.P.)

Gwalior, dated: 22.04.2021

Shri H.S. Rana, learned counsel for the petitioner.

Shri B.S. Gour, learned Public Prosecutor for the State.

Learned counsel for the rival parties are heard through video conferencing.

Case diary perused.

Petitioner has filed this first application u/S.438 Cr.P.C. for grant of anticipatory bail.

Petitioner apprehends arrest in connection with offence punishable u/S.307, 34 of IPC registered as Crime No.199/2020, by Police Station Bagchini, District Morena (M.P.).

Learned Panel Lawyer for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of anticipatory bail is made out.

Petitioner apprehends arrest in respect of offence of attempt to murder. The allegation against the petitioner is that she gagged the injured so that she could not shout while the other co-accused caught hold the injured and one of the co-accused poured kerosene and set the injured on fire who sustained 45% burn but fortunately survived.

Though petitioner is named in 161 Cr.P.C statement of the injured as one who gagged the injured but in 164 Cr.P.C statement

before the Magistrate, there is no allegation made against the petitioner. Moreso, it is submitted that petitioner resides elsewhere than the place where incident took-place. Co-accused Smt. Rachna Devi has been extended benefit of anticipatory bail by order dated 15.03.2021 passed in MCrC 13437/2021.

Considering the aforesaid and the fact that petitioner is a woman aged 40 years who may not be able to bear the rigors of incarceration and the extra-ordinary situation created by COVID-19 pandemic and the fact that the material placed on record does not disclose the possibility of petitioner fleeing from justice, this Court is inclined to extend the benefit of anticipatory bail to the petitioner.

Accordingly, without expressing any opinion on merits of the case, I deem it appropriate to allow this application u/S. 438 of Cr.P.C. in the following terms.

It is hereby directed that in the event of arrest, the petitioner shall be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand only) with two solvent sureties of the like amount** to the satisfaction of the Arresting Authority.

This order will remain operative subject to compliance of the following conditions by the petitioner :-

1. The petitioner will comply with all the terms and conditions of the bond executed by her;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner will not indulge herself in extending 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 the Police Officer, as the case may be;

4. The petitioner shall not commit an offence similar to the offence of which she is accused;
5. The petitioner will not seek unnecessary adjournments during the trial;
6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

The petitioner has gracefully agreed to act as a Shiksha Swayamsevak by rendering physical and financial assistance to government primary school situated nearest to residence of petitioner for ensuring hygiene and sanitation and for removing deficiencies of infrastructural amenities in the said school from the skill/resources of the petitioner.

[याचिकाकर्ता ने एक शिक्षा स्वयंसेवक के रूप में अपने निवास के निकट अवस्थित सरकारी प्राथमिक विद्यालय में स्वच्छता और आरोग्य को सुनिश्चित करने के लिए शारीरिक एवं वित्तीय सहायता प्रदान करने एवं अपने कौशल व संसाधनों से उक्त विद्यालय में अवसंरचनात्मक सुविधाओं की कमियों को दूर करने की स्वेच्छया सहमति प्रदान की है।,

The petitioner after selecting a particular Govt. Primary School shall inform about the same to the office of Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area), within whose territorial jurisdiction the said school is situated. [याचिकाकर्ता एक विशिष्ट प्राथमिक सरकारी स्कूल का चयन करने के पश्चात् इसके बारे में ग्राम पंचायत के कार्यालय (ग्रामीण क्षेत्र के मामले में) और/या सम्बंधित वार्ड के वार्ड अधिकारी (शहरी क्षेत्र के मामले में) जिसके क्षेत्राधिकार में उक्त स्कूल अवस्थित है, को सूचित करेगा।].

It will be joint responsibility of Sarpanch and Secretary of said Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area) to preserve the said information provided by the petitioner. [यह सम्बंधित वार्ड के वार्ड अधिकारी (शहरी क्षेत्र के मामले में) और/या उक्त ग्राम पंचायत के सरपंच और सचिव (ग्रामीण क्षेत्र के मामले में) की संयुक्त जिम्मेदारी होगी कि, याचिकाकर्ता द्वारा प्रदत्त सूचना को संरक्षित करे।].

The Registry of this Court shall communicate this order through Legal Aid Officer, SALSA, Gwalior to the Collector, District Education Officer, Block Education Officer of the district/block concerned for information and follow up.

A copy of this order be supplied to the Legal Aid Officer, SALSA, Gwalior who is directed to communicate this order to the District Education Officer, Block Education Officer of the district/block concerned who in turn shall encourage the petitioner to indulge in community service as aforesaid.

A copy of this order be sent to the Court concerned for information.

c.c as per rules.

(Sheel Nagu)
Judge