

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 28th OF JUNE, 2022

MISC. CRIMINAL CASE No. 29843 of 2022

Between:-

SOHANBAI W/O JALAM SINGH BHOI,
AGED ABOUT 38 YEARS,
OCCUPATION: HOUSEHOLD WORK,
R/O VILLAGE NIMBODA,
TEHSIL BADNAGAR,
DISTRICT UJJAIN
(MADHYA PRADESH)

.....APPLICANT

**(SHRI ANUJ BHARGAVA, LEARNED COUNSEL
FOR THE APPLICANT)**

AND

THE STATE OF MADHYA PRADESH,
THROUGH STATION HOUSE OFFICER,
POLICE STATION INGORIA,
DISTRICT UJJAIN
(MADHYA PRADESH)

.....RESPONDENT

**(BY SHRI SANTOSH SINGH THAKUR, DY. GA
APPEARING ON BEHALF OF ADVOCATE GENERAL)**

*This application coming on for hearing this day, the court
passed the following:*

O R D E R

This is the **first** anticipatory bail application filed under Section 438 of the Code of Criminal Procedure, 1973. The applicant is apprehending her arrest in connection with Crime No.282/2022 registered at Police Station – Ingoria, District Ujjain (M.P.) for commission of offence punishable under Section 307, 323, 294, 506, 147, 148 and 149 of the Indian Penal Code, 1860.

As per the prosecution story, on 14/05/2022 complainant Dilip along with his family members went to Nimboda and at about 04:00 he was going to Anil's home by his motorcycle at that the accused persons came there and they have started abusing him. Thereafter, co-accused Sunderlal by using sword and other co-accused persons namely Rajesh Sunil, Anil, Antar and Jitendra by using wooden sticks have caused various injuries to the Anil and Jalam. As per the prosecution allegation, present applicant Sohanbai by using kick and fist has also taken part in the aforesaid incidence. Accordingly, offence has been registered against the present applicant also.

Learned counsel for the applicant contended that applicant is innocent and she has been falsely implicated in this offence. There is no legal evidence available on record to connect the applicant with the aforementioned offence. Against Anil the family members have lodged reports in the recent past. Anil is a man with criminal

antecedents and is in influential person. In Crime No.185/222 Anil was arrested and immediately on his release, he came to the hosue of the applicant to harm her family members. Applicant has no role in the offence. She is a 38 years old lady and mother of two children. She is a permanent resident of district Ujjain. Final conclusion of trial shall take sufficient long time. Under the above circumstances, prayer for grant of anticipatory bail may be considered on such terms and conditions, as this Court deems fit and proper.

Per-contra, learned counsel for the respondent – State opposes the bail application and prays for its rejection. However, he fairly submits that there is no criminal antecedent found against the present applicant.

Perused the impugned order of the trial Court as well as the case dairry.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation and also taking note of the fact that at the time of incidence present applicant was not carrying any weapon allegedly she used only kick and fist in the incidence and possibility of delay in conclusion of the trial cannot be ruled out. In view of the fact that no role is attributed to the present applicant, without commenting upon the merits of the case, I deem it proper to release the applicant on anticipatory bail.

Accordingly, application is allowed. It is directed that in the event of applicant's arrest, the applicant be released on anticipatory bail on her furnishing personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five Thousand Only)** with one surety in the like amount to the satisfaction of arresting officer for her appearance before the Investigating Officer during the course of investigation as and when directed. Conditions of Section 438(2) Cr.P.C. shall also apply on the applicant during currency of bail.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

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