



2025:CGHC:105

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 8852 of 2024**

1 - Jugli @ Savita W/o Jagmohan Aged About 24 Years R/o Village Dharampura, Police Station, District Kabridham, Chhattisgarh.

2 - Pusaiya Bai W/o Banshi Tandon Aged About 60 Years R/o Village Dharampura, Police Station, District Kabridham, Chhattisgarh.

**... Applicants****versus**

State Of Chhattisgarh Through District Magistrate, Kabirdham, District Kabirdham, Chhattisgarh.

**... Non-applicant**

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For Applicants : Mr. Kaushal Yadav, Advocate.

For Non-applicant/State : Ms. Smriti Shrivastava, Panel Lawyer.

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**Hon'ble Shri Ramesh Sinha, Chief Justice****Order on Board****02.01.2025**

1. The applicants have preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as they have been arrested in connection with Crime No.392/2024, registered at Police Station Pipariya, District Kabirdham (C.G) for the offence punishable under Sections 296, 115(2), 109, 3(5) of B.N.S.

2. The prosecution story in brief, is that, the complainant lodged an FIR before the concerned police station stating therein that on 23.11.2024 at about 9:15 AM, he was having breakfast sitting in the sun in the orchard of his house at that time his mother Neera Bai was also there, was serving him breakfast. The applicants, who are living next to the house of complainant, started breaking the fence around the complainant's orchard and removing it when complainant objected, the accused abused the complainant and his mother with vulgar language and threatened to kill them and thereafter, assaulted the complainant with a sickle. When the complainant tried to stop them, he sustained injuries on the finger of his hand. When his mother came to intervene, she also suffered injuries on her finger and thumb. Based on such complaint, FIR bearing crime No. 392/2024, under Section 296, 115(2), 109, 3(5) of BNS was registered and the applicants were arrested and further their memorandum statement were also recorded. From a bare perusal of the accused statement reiterated in the impugned order it is apparent that on the incident date at around 8-9 AM, the accused were working in the field situated behind their residential house and on the side of the house of the applicants/accused is the house of the complainant Manoj Tandon, the accused have fenced their field with barbed wire and on the other side of the said fence, there are many tress in Manoj Tandons orchard whose braches were hanging in the field of the accused, which the accused Savita, Pusaiya and Pusaiya's husband Banshi were cutting, seeing which the complainant Manoj Tandon came with his wife Sangeeta and

abused and beat up the applicants/accused and Banshi and with the intention of insulting the accused Savita, the complainant Manoj tore savita's clothes, but police did not write the report of the applicants/accused because the complainant Manoj and his wife Sangeeta both are posted as constables in Pipariya police station.

3. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in this case. He further submits that the allegation against the applicants not based on the true facts and events and they have been falsely implicated by the complainant by misusing his and his wife's position as constables in the same police station. He further stated that Complainant Manoj and his wife Sangeeta both are posted as constables in Pipariya police station. The applicants also requested for lodging of FIR to Pipariya Police Station but they did not lodged the FIR so husband of the applicant No. 2 has given the written complaint to the Superintendent of Police Kabirdham after being aggrieved by inaction on his complaint before SDOP office Kawardha. The complainant has beaten the husband of applicant No.2 who sustained grievous injuries which can be seen in the medical report. He further submits that both the applicants are woman aged about 24 and 60 years and the applicant No. 2 has 5 months old child however, in the present case, charge-sheet has not been submitted before the competent Court and the conclusion of the trial is likely to take some time therefore, he prays for grant of bail to the applicants.

4. On the other hand, learned counsel for the State opposes the bail application and submits that from perusal of the case diary, it appears that the accused, who lives next door, came with an axe and started breaking the fence of the complainant's courtyard. When the complainant objected, the accused abused him and his mother, threatening to kill them, and thereafter, assaulted the complainant's neck with the axe. When the complainant tried to stop them, he suffered injuries to his fingers. When his mother intervened, she also suffered injuries to her fingers and thumb. However, injuries were found to be simple in nature and in the present case, charge-sheet has not been filed and the applicant No. 1 has no criminal antecedent and the applicant No. 2 has one antecedent of Istaghasha. As, such, the present applicants are not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature and gravity of the offence, material available in the case diary and the fact that both the applicants are the ladies and they are languishing in jail since 23.11.2024 and further the injuries which have been sustained by the injured, are simple in nature and moreover from the applicant's side effort was made to lodge an FIR but the same could not be registered by the police however, in the present case, charge-sheet has not been filed before the competent Court and the applicant No. 1 has no criminal antecedent and the applicant No. 2

has one criminal antecedent under the Istaghasha, thus I am of the view that the present applicants are entitled to be released on bail in this case.

7. Let the Applicants- **Jugli @ Savita and Pusaiya Bai** involved in Crime No.392/2024, registered at Police Station Pipariya, District Kabirdham (C.G) for the offence punishable under Sections 296, 115(2), 109, 3(5) of B.N.S., be released on bail on their furnishing a **personal bond with two sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuses the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in

accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicants are deliberated or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information.

**Sd/-  
(Ramesh Sinha)  
Chief Justice**