



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.A No.901 of 2023

Smt. Pragati Vaishnav & Anr Versus State Of Chhattisgarh

20.04.2023	<p>Shri Ravindra Sharma, counsel for the Appellants.</p> <p>Shri Avinash K Mishra, G.A for the State.</p> <p>Heard on admission.</p> <p>Admit.</p> <p>Call for the case diary.</p> <p>Meanwhile, State Counsel is directed to find out previous criminal antecedents of the Appellants, if any.</p> <p>Heard on IA No.01/2023, an application for grant of interim bail.</p> <p>The Appellants have been arrested in connection with Crime No.21/2023 registered at P.S Rajadevri, District Baloda Bazar for the offence under Sections 147, 148, 149, 294, 186, 353, 332, 342 and 307 IPC as also under Sections 3(1)(r)(s) and 3(2)(v-a) of the SC/ST (Prevention of Atrocities) Act, 1989.</p> <p>Learned Counsel for the Appellants submits that Head Constable No.637-Shyamlal Dhruv along with other police officers had entered into the house of the present Appellants at about 8 p.m where the Appellants have allegedly been selling illicit liquor. He further submits that no such liquor has been seized and the police has arrested the female accused after sunset which is against the provisions of Section 46(4) Cr.P.C though provision is specific that only in exceptional circumstances, such arrest shall be made and even if such circumstances exist, the woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made. He further submits that there are 6 adult family members in the family of the accused and all of them were arrested on a false report that they have assaulted the</p>



police officers by using club and thereby caused injury to one police officer Hetram on the head which caused fracture and some other police officers also sustained simple injuries. He further submits that Appellant No.2 is 75 years old senior citizen and is dependent upon others for his daily routine activities and Appellant No.1 is the mother of 18 months old girl child, therefore, considering all these aspects, their application for grant of temporary bail may be considered.

Per contra, learned State Counsel opposes the bail application. He, however, fairly admits that the female accused is not supposed to be arrested after sunset in violation of Section 46 Cr.P.C.

Taking into consideration the submissions of learned Counsel for the parties and the reasons assigned in the application IA No.01/2023, purely as an interim measure, I am inclined to grant of interim bail to the Appellants.

Accordingly, IA No.01/2023 is **allowed** and the Appellants are directed to be released on temporary bail for a period of 2 months from today i.e. **20.04.2023 to 20.06.2023** on each of them furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety each in the like amount to the satisfaction of the trial Court or CJM or Remand Magistrate (whomsoever is available). The Appellants are directed to surrender before the trial Court on **21.06.2023** positively.

Post the matter for final hearing immediately after 4 weeks.

C.C today.

Sd/-

(Deepak Kumar Tiwari)
JUDGE