

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 920 of 2015

Gulab Khan S/o Shri Haybat Khan Aged About 46 Years R/o Pandri Pani, Thana And Tahsil - Bilaigarh, District - Baloda Bazar - Bhatapara (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station - Bilaigarh, District - Baloda Bazar - Bhatapara (Chhattisgarh).

---- Respondent

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MCRCA No. 928 of 2015

1. Jaitun Bi D/o Haidar Khan, Aged About 40 Years R/o Village- Pandripani, Police Station - Bilaigarh, Distt. Baloda Bazar - Bhatapara, Chhattisgarh
2. Khatun Bi D/o Haidar Khan, Aged About 45 Years R/o Village- Pandripani, Police Station - Bilaigarh, Distt. Baloda Bazar - Bhatapara, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station Bilaigarh, Distt. Baloda Bazar - Bhatapara, Chhattisgarh

---- Respondent

Smt. Fouzia Mirza, counsel for the applicant/s in McrCA No.928/15.
Shri Vinay Pandey, counsel for the applicant in McrCA No.920/15.
Shri Satish Gupta, Govt. Advocate for the State.

Order On Board

22/09/2015

The aforesaid two bail applications are being disposed off by this common order as both the applications arise out of the same crime number.

The applicants are apprehending their arrest in connection with Crime No.50/15 registered at police station – Bilaigarh, District – Baloda Bazar – Bhatapara (CG) for alleged commission of offence under Section 147, 148,

294, 427, 452, 506, 323, 307, 302 of IPC.

2. Prosecution case is that the applicants and other accused arrived in the house of Dharamlal, armed with weapon and there, quarrel took place in which, one Faguram died and 17 other persons sustained injury.

3. Learned counsel for the applicant – Gulab Khan submits that the allegations against this applicant are false. There is no specific overt act alleged against him. It is submitted that the present applicant is alleged to have remained present at the spot where some communal clash was going, therefore, he has been involved.

Learned counsel appearing for the applicant – Jaitun Bi and Khatun Bi submits that the applicants are ladies. The allegation against these applicants are not of using any deadly weapon or opening assault on Faguram or other persons who are alleged to have sustained injuries. The dispute of a trivial nature was converted into a serious quarrel amongst other persons in which the applicants are not involved.

4. On the other hand, learned State counsel opposes the bail application and submits that according to FIR, place of incident is the house of Dharamlal (complainant) and the allegation is that the crowd, in which the applicants were also present, arrived armed with weapon and there started quarrel and assault leading to death of Faguram and injury on number of persons. Irrespective of individual roles, the aforesaid applicants are also involved in the alleged commission of offence.

5. Taking into consideration the nature and gravity of allegations, it is not a fit case for grant of anticipatory bail. Both the applications are therefore rejected.

Sd/-

Manindra Mohan Shrivastava
Judge