

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5731 of 2015

1. Shanti Bai, W/o. Kripashankar, Aged About 55 Years
2. Abha Paikra, W/O. Kamleshwar Paikra, Aged About 35 Years,
3. Kripashankar, S/O. Laluram, Aged About 57 Years,
4. Dhanushdhari, S/O. Dhirjan, Aged About 45 Years, Caste Kodaku,

All are R/O Village Gotgawan, Police Station Pratappur, Tehsil Pratappur, Civil and Rev. Distt. Surajpur, Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Pratappur, District Surajpur Chhattisgarh.

---- Respondent

For Applicants	:	Mr. R.S. Marhas, Advocate
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.135/2015, registered at Police Station – Pratappur, District -Surajpur (C.G.) for the offence punishable under Section 147, 148, 149, 186, 353, 332, 307, 302 of I.P.C.
2. Case of the prosecution, in brief, is that an FIR was lodged by Hemlal Sahu, that he was the team of the forest guard and on the date of

incident on 11.06.2015 they came to know that there is some theft of wood from Chitkabehra area and therefore, he alongwith Sohan, Jaikaran and Motilal Kushwaha went to the spot in the meanwhile they saw that three accused persons namely Kamleshwar Paikara, Kripashankar Paikra, Jogendra had already unloaded the wood from the tractor. Subsequently on being interrogated it was stated that the matter would be reported and tractor would be seized and thereafter, the accused persons came alongwith 8 to 10 person and attacked the forest guard and due to that one Motilal Kushwaha died and Hemlal Sahu, Sohanram and Jaikaran sustained injuries. Thereafter, the case was registered and charge sheet has been filed.

3. Learned counsel for the applicants at the very outset submits that he do not want to press the bail application of the applicant No.3, Kripashankar, therefore, the bail is considered of Shanti Bai, Abha Paikara & Dhanusdhari. It is submitted that the FIR was made by Hemlal Sahu, wherein he has not stated about the involvement of the Shanti Bai, Abha Paikara & Dhanushdhari and on enquiry he came to know that they were also involved in the commission of crime. Therefore, he submits that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statement of all the injured, Hemlal, Sohan & Jaikaran, wherein all of them have categorically stated that when the tractor was intercepted 10-12 persons came with Tangi and Clubs and

thereafter, they have attacked Motilal, Jaikaran and Sohan and assaulted and out of such assault, Motilal died. Subsequently they came to know that the present applicants were also present. Having perused the statement it is stated that at the time of incident 10-12 persons came with Tangi and Clubs, therefore, primarily presence of the ladies have not been made and ladies were subsequently named on enquiry. In view of this primarily presence of the ladies at the time of attack has not been stated, therefore, at this stage without any observation on merit, I am inclined to release the applicant No.1, Shanti Bai & applicant No.2 Abha Paikra on bail. With respect to the applicant No.4, Dhanushdhari, whether he was part of 10-12 persons is to be ascertained at the time of the trial.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. in respect of applicant No.1, Shanti Bai & applicant No.2 Abha Paikra is allowed. However, the bail application with respect to the applicant No.4, Dhanushdhari is dismissed and the bail application of applicant No.3, Kripashankar is dismissed as withdrawn.
8. It is directed that applicants No.1 and 2 shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge