

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 207 of 2016

1. Smt. Santara Bai Wife of Chhatram Aged About 63 Years Caste - Suryawanshi Resident of Vill - Pachpedi, Police Chawki - Pachpedi, Police Station - Masturi, Civil & Revenue District - Bilaspur Chhattisgarh.
2. Smt. Usha W/o Teras @ Dhansai Aged About 35 Years Caste Suryawanshi R/o Vill- Pachpedi, Police Chawki - Pachpedi, Police Station - Masturi, Civil & Revenue District - Bilaspur Chhattisgarh.
3. Smt. Savitri W/o Ramsai Aged About 33 Years Caste Suryawanshi R/o Vill- Pachpedi, Police Chawki - Pachpedi, Police Station - Masturi, Civil & Revenue District - Bilaspur Chhattisgarh.
4. Smt. Rani @ Hina W/o Shani Aged About 23 Years Caste Suryawanshi R/o Vill- Pachpedi, Police Chawki - Pachpedi, Police Station - Masturi, Civil & Revenue District - Bilaspur Chhattisgarh. ... **Petitioners**

Versus

- State of Chhattisgarh Through : The Station House Officer, Police Station - Masturi, Civil & Revenue District - Bilaspur Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Parasmani Shriwas, Advocate.
For the Respondent	: Mr. Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.03.2016

1. Apprehending arrest in connection with Crime No. 433 of 2015 registered at Police Station Masturi, District Bilaspur (C.G) for the offences punishable under sections 294, 506, 323, 452, 456, 147 & 148, the applicants have filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 05.12.2015 one of the neighbour's son since fell down while playing with rings this resulted into dispute and a free fight between the complainant

party and the applicants' party took place whereby Annu Bai, Vishnu Bai, Manish and Ramit sustained injuries and it is the case of prosecution that by such assault, the pregnancy of Annu Bai was damaged and thereby she was aborted. It is further submitted that during such quarrel/free fight, the applicants have hurled abuses against the complainants.

3. Learned counsel for the applicants submits that it is a case of family dispute as applicant No.4 Smt. Rani @ Hina was married to son of applicant No.1 who was relative of complainant. He further submits that the dispute *inter-se* between the parties took place and false averments have been made and the complainant's party was aggressor and the applicants have only exercised their right of self defence, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the medical report which shows that several injuries were caused to Annu Bai, Vishnu Bai, Manish, and Ramit and a free fight took place and the parties have hurled abuses against each other.
6. Considering the totality of facts and circumstances and the degree of allegations levelled against the applicants and the gravity of offence, I am of the opinion that it is not a case where the benefit of anticipatory bail can be extended to the applicants. Accordingly, the application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**