

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 937 of 2016**

1. Dashrath Ram S/O Ramdhani Aged About 55 Years R/O Chiniya, P.S. Ramanujganj, Balrampur, District Balrampur Ramanujganj, Chhattisgarh, Civil District Surguja, Revenue District Balrampur, Chhattisgarh.
2. Smt. Guteli W/O Dashrath Ram Aged About 50 Years R/O Chiniya, P.S. Ramanujganj, Balrampur, District Balrampur Ramanujganj, Chhattisgarh, Civil District Surguja, Revenue District Balrampur, Chhattisgarh.
3. Sunil Kumar S/O Dashrath Ram Aged About 18 Years R/O Chiniya, P.S. Ramanujganj, Balrampur, District Balrampur Ramanujganj, Chhattisgarh, Civil District Surguja, Revenue District Balrampur, Chhattisgarh.

---- **Petitioner****Versus**

- State Of Chhattisgarh Through S.H.O. Police Station Ramanujganj, District Balrampur, Chhattisgarh.

For Applicant : Mr. A.K. Prasad, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****07-10-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 183 of 2015 registered at Police Station Ramanujganj, District Balrampur, (CG) for offence punishable under Sections 307, 294/34 of IPC.
2. As per prosecution case, a free fight took place on 19-11-2015 between the parties and the applicants and the complainants entered into scuffle and in such quarrel Dashrath Ram assaulted Vimal Kishore Dubey and Chandrika Dubey by way of axe and Sunil Kumar assaulted by them by way of club as a result of which

they sustained severed injuries and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case and there is no intention to kill them and the incident took place all of a sudden and on the spur of moment and one of the co-accused persons namely Chandrika Dubey has been enlarged on anticipatory bail, therefore, the applicants may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents wherein allegations have been attributed to Dashrath Ram that he assaulted the complainants by way of axe and the allegations have been attributed to Sunil Kumar that he assaulted them by way of club.
6. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence and the further considering the allegations leveled against them, I am not inclined to extend benefit of anticipatory bail to applicant No.1 Dashrath Ram and applicant No.3 Sunil Kumar.
7. Accordingly, their bail application for grant of anticipatory bail is liable to be and is hereby rejected.
8. So far as applicant No.2 Smt. Guteli, who is a lady aged about 50 years is concerned, considering the facts and circumstances of the case and nature of allegations leveled against her and role played by her, I am inclined to extend the benefit of anticipatory bail.

9. Accordingly, the anticipatory bail application of applicant No.2 Smt. Guteli is allowed and it is directed that in the event of arrest of the applicant No.2 in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on his executing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:
- (i) that the applicant shall make herself available for interrogation before the Investigating Officer as and when required.
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju