

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5895 of 2016

1. Smt. Nirmala Bai W/O Mangal Gadariya Aged About 48 Years R/O. Village - Deori (Sangwa) Thana - City Kotwali Mungeli, Revenue Distt. Mungeli, Civil Distt. - Bilaspur Chhattisgarh
2. Dhankumari Gadariya W/O. Bajrang Gadariya Aged About 26 Years R/O. Village - Deori (Sangwa) Thana - City Kotwali Mungeli, Revenue Distt. Mungeli, Civil Distt. - Bilaspur Chhattisgarh
3. Pusaiya Bai @ Rajan Bai W/O. Baliram Gadariya Aged About 24 Years R/O. Village - Deori (Sangwa) Thana - City Kotwali Mungeli, Revenue Distt. Mungeli, Civil Distt. - Bilaspur Chhattisgarh

----Applicants

Versus

- State Of Chhattisgarh Through, Station House Officer, Police Station City Kotwali Mungeli, District Mungeli Chhattisgarh

---- Respondent

For Applicants	:	Mr. Sunil Sahu, Advocate
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 29-11-2015 in connection with Crime No. 543 of 2015, registered at Police Station City Kotwali Mungeli, District Mungeli (CG) for the offence punishable under Sections 302, 147, 148, 149, 294, 323, 506, 307, 325 and 326 of the IPC.
2. Case of the prosecution, in brief, is that on 17-11-2015 at about 7.00 a.m., due to dispute over partition of the land the applicants along with other co-accused persons assaulted Manharan, Ludagu, Chhotu, Dhaneshwari and Mantora as a result of which they sustained injuries and out of the injured persons Manharan died on 27-11-2015 during the course of treatment. It is also alleged that present applicants were also armed with clubs and they

also inflicted vital injuries to the deceased and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the main allegations of inflicting injuries to deceased Manharan are attributed to other co-accused persons Balram and Mangal and general allegations have been attributed to the applicants who are lady members in the house. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 29-11-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statements of the injured witnesses Ludagu, Chhotu, Dhaneshwari and Mantora.
7. Taking into consideration the facts and circumstances of the case and further considering the nature of allegations leveled against the applicants and also the fact that charge-sheet in this case has been filed and the applicants who are ladies are in jail since 29-11-2016, this court is inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

