

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6721 of 2016

1. Smt. Teejbai Anchali, W/o. Shri Bhishamlal Anchali, Aged About 35 Years, R/o. Village Basin Atal Chowk, Police Station Dabhra, District Janjgir- Champa, Chhattisgarh.
2. Fuleshwari Bai Nirala @ Medhhapalhin, W/o. Horilal Nirala, Aged About 35 Years, R/o. Ward No.3, Bich Basti, Ranpota, Police Station Hasoud, Present Address: Bhathapara, Basin, Police Station Dabhra, District Janjgir- Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Dabhra, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicants : Mr. Pushpendra Kumar Patel, Advocate

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.11.2016

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 in connection with Crime No.183/2016 registered at Police Station- Dabhra, District Janjgir-Champa (C.G.) for the offence punishable under Section 302, 34 of Indian Penal Code.
2. As per the prosecution case, on 08.06.2016, over a partition, a dispute arose and the applicants alongwith other co-accused namely Bhajanlal & Horilal assaulted Nirabai by stone and club whereby she succumbed to the injuries and the deceased was step mother of the accused persons.
3. Learned counsel for the applicants would submit that the main allegations are attributed to Bhajanlal and Horilal as they have assaulted by way of stone and there is no such allegation against

the present applicants, therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he read out the statement of the eye-witness namely Meena Nirala, Lisha and Mohanlal.
5. Perused the case diary, documents and the statement of the witnesses. Taking into the statement of Meena Nirala, Lisha & Mohanlal, who are the eye-witness, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge