

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8249 of 2016

1. Smt. Satrupa Bai W/o Shri Kamal Yadav Aged About 40 Years
R/o Village Latuwa, Police Station Baloda Bazar, District Baloda
Bazar- Bhatapara, Chhattisgarh.

2. Smt. Amrika W/o Shri Shankar Yadav Aged About 48 Years
R/o Village Latuwa, Police Station Baloda Bazar, District Baloda
Bazar- Bhatapara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police
Station Baloda Bazar, District Baloda Bazar- Bhatapara,
Chhattisgarh.

---- Respondent

For applicants - Shri Y.C. Sharma, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/12/2016

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.233/2016, registered at Police Station – City Kotwali Baloda Bazar, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 147, 148, 149, 307, 302, 120-B of Indian Penal Code and 3 (2) (5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Case of the prosecution, in brief, is that a dispute took place on 21.06.2016 over taking over the possession of the land between the Yadav family and Dhruw family. When the deceased wanted to implant poles over the land at that time Jama Bai, Chandrabhaga Bai, Rupa Bai, Brihaspati Bai, Baisakhin Bai, Lalita Bai and applicants Smt. Satrupa Bai and Smt. Amrika Bai came there and objected. Subsequently they were followed by male members i.e. Seuk Yadav,

Pitambar, Umesh, Hemchand, Gajanand and Khemraj and after dispute aggravated assault was inflicted on the other persons namely Ramlal, Taman Bai, Ankit Dhruw and Vinod Dhruw by way of Crowbar (*Sabba*), Pickax (*Gaiti*), Spade (*Fawda*) and Club (Bamboo). Ramlal and Taman Bai died due to the injuries and when Ankit Dhruw and Vinod Dhruw tried to fled away, Liladhar Yadav caught hold of them as a result, they could not fled away and were assaulted and they subsequently died. In such incident, Manoj Dhruw and Saraswati Bai sustained injuries. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that no direct allegation of assault is attributed to these applicants and the allegation of assault is attributed to other co-accused and the applicants were not armed with any weapon and they only objected to implant poles over the land. He further submits that the applicants have not inflicted any injury and similarly placed co-accused ladies members have been enlarged on bail vide M.Cr.C. Nos. 6650, 6781 and 6791 of 2016 on 17/11/2016. Therefore, the counsel prays that the applicants may be enlarged on bail.

4. Learned State counsel do not dispute the fact that similarly placed co-accused ladies members have been enlarged on bail vide M.Cr.C. Nos. 6650, 6781 and 6791 of 2016 on 17/11/2016.

5. Perused the case diary and also perused the statement of injured Manoj Dhruv. Considering the fact that similarly placed co-accused ladies members have been enlarged on bail vide M.Cr.C. Nos. 6650, 6781 and 6791 of 2016 on 17/11/2016, this court is inclined to release the applicants on bail.

6. Accordingly, the bail application is allowed and it is directed that

the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE