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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 681 of 2017**

- Smt. Sukhbai W/o Shri Ramdas, Aged About 67 Years, R/o Village Narotikapa, Lamer), Police Station Kota, Civil & Rev., District Bilaspur Chhattisgarh.
- Dani Ram Singour S/o Chandu Singour R/o Bhadam, Police Station Kota, District Bilaspur Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kota, District Bilaspur Chhattisgarh.

---- Non-applicant**And****MCRC No. 4918 Of 2017**

- Ramjita W/o Malik Ram, Aged About 45 Years, R/o Village Narotikapa (Lamer), P.S. Kota, Civil and Rev., District Bilaspur Chhattisgarh.
- Rania Bai (name of applicant No.2 Ratia wrongly mentioned in order) W/o Rajkumar, Aged About 25 Years, R/o Village Narotikapa (Lamer), P.S. Kota, Civil and Rev., District Bilaspur Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kota, District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicants	: Ms. Savita Panjabi, Advocate
For Non-applicant/State	: Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/11/2017**

1. As both the applications arise out of the same crime number, i.e. Crime No.217/2015 registered at Kota, District Bilaspur, C.G., they are being decided by this common order.
2. It is submitted by learned counsel for the applicants that Smt. Sukhbai and Dani Ram in MCRCA No.681/2017 are apprehending their arrest in connection with Crime No. 217/2015 for offence under Section 307, 324/34 of the IPC, hence they have filed MCRCA No.681/2017 and

applicants Ramjita and Raniya Bai have been arrested on 22-06-2017 in connection with Crime No.217/2015 and offence under Section 307, 34 of the IPC, hence, they have filed MCRC No.4918/2017 for grant of regular bail under Section 439 of the Cr.P.C. It is submitted that on behalf of the applicants that the applicants have been falsely implicated in this case.

3. On behalf of applicants Smt. Sukhbai and Dani Ram in MCRC No.681/2017 it is submitted that in the FIR lodged by complainant Mamta Baghel who also happened to be eye-witness of the incident, name of these applicants are not mentioned. Hence, mention of name of these applicants later on shows development and concoction. It is prayed that no offence is made out against these applicants. Hence, they may be benefited with grant of anticipatory bail.

4. It is submitted on behalf of the applicants in MCRC No.4918/2017 namely Ramjita and Raniya Bai that the applicants and the complainants belonged to the same family and they have a property dispute between them. The applicants were not assailants in the said incident and none of the injured person have suffered any injury which could be termed as sufficient to cause death in ordinary course of nature. Hence, they may be granted regular bail. They are in jail since 22-06-2017.

5. Learned counsel for the State/non-applicant opposes the applications and submission made. It is submitted that name of the applicants in MCRC No.681/2017 has appeared in the statement of the injured witnesses and the informant in this case is not one of the injured persons. It is also submitted that the medical report of the injured Budhram Baghel mentions that the injury of fracture caused on his head could have been dangerous to his life and there had been a chance of his death. Hence, for these reasons, the applicants in both the cases are not entitled for bail either anticipatory or regular.

6. I have heard the learned counsel for the parties and perused the case diary.

7. On the date of incident Ramdas with others had been on the agricultural field doing agricultural operations, when injured Budhram and others came on the spot and raised objection that the field that was cultivated belonged to them, on account of which, a dispute took place and in the same dispute Rajkumar, Ramdas, Mukesh, Rajendra assaulted the Budhram and others with axe and clubs causing injuries to them. Mamta Baghel who was present on the spot has lodged the FIR in P.S. Kota, on the basis of this information the offence has been registered, investigated and charge sheet has been filed.

8. Considered on the submissions made and contents of the case diary.

9. Considering this fact that the only person having grievous injury is one injured Budhram and the report given by the doctor that there had been a chance of death does not appear to be adequate opinion which should be appreciated in such cases that injury was sufficient to cause death in due course of nature, further, the complaint made by one of the eye-witnesses and the development in the statements of the witnesses recorded after some days under Section 161 of the Cr.P.C. is also noted, after giving overall consideration in the case against the applicants, I am of the view that applicants in MCRCA No.681/2017 are entitled for grant of anticipatory bail and applicants in MCRC No.4918/2017 are entitled to be enlarged on regular bail.

10. Accordingly, the anticipatory bail application (MCRCA No. 681/2017) is allowed. It is directed that in the event of arrest of the applicants Smt. Sukhbai and Dani Ram in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on

executing each of them a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

11. MCRC No.4918/2017 filed under Section 439 of the Cr.P.C. by applicants Ramjita and Raniya Bai is hereby allowed. It is directed that these 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.

12. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge