

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 178 of 2017

- Ku. Lata Yadav D/o Gajanand Yadav, Aged About 20 Years R/o Village Latuwa, Thana City Kotwali, Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Police Station House Officer City Kotwali, Post Office Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh

---- **Respondent**

For Applicant : Mr. Deepak Jain, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 23-6-2016 in connection with Crime No. 233 of 2016, registered at Police Station City Kotwali, P.O. Balodabazar, District Balodabazar Bhatapara (CG) for the offence punishable under Sections 147, 148, 149, 307, 302, 120-B of the IPC and Section 3 (2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act..
2. Case of the prosecution, in brief, is that a dispute took place on 21-9-2016 over taking over the possession of the land between Yadav family and Dhruw family. When the deceased wanted to implant poles over the land at that time Jama Bai, Lalita 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 (Sabbal), Pickax (Gaiti), Spade (Fawda) and club (Bamboo). Ramlal and Taman Baio died due to the injuries and when Ankit Dhruw and Vinod Dhruw tried to flee away. Liladhar Yadav caught hold of them as a result, they could not flee away and were assaulted and they subsequently died. In such incident, Manoj Dhuw and Saraswati Bai sustained injuries and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the case of the present applicant is similar to that of other co-accused persons namely Smt. Brihaspati Bai, Smt Baisakhin Bai and Smt Lalita Bai who have been granted bail vide order dated 17-11-2016 passed by this Court in M.Cr.C.No. 6791 of 2016, therefore, the applicant may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to that of other co-accused persons who have been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that similarly placed other co-accused persons have been granted bail, I am inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on her 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 her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju