

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 230 of 2017

1. Ali Ram, S/o. Late Sahdev, aged about 75 years,
2. Smt. Phool Kumari, W/o. Ali Ram, aged about 73 years,
3. Smt. Rajkumari, W/o. Devraj, aged about 37 years,
4. Smt. Durgavati, W/o. Bhardul, aged about 30 years,
5. Smt. Panpati, W/o. Siva, aged about 23 years,

All R/o. Village-Kailashpur, Police Chauki – Wadrafnagar, P.S. -
Basantpur, District – Balrampur – Ramanujganj (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : the Police Chauki – Wadrafnagar,
Police Station – Basantpur, District – Balrampur-Ramanujganj (C.G.) (Note
Police Station wrongly mentioned in order dated 26.11.2016.)

---- Respondent

For Applicants	:	Mr. A.K. Yadav, Advocate
For Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.93/2016, registered at Police Station- Basantpur, Police Chauki-Wadrafnagar, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 147, 294, 506, 323, 307 of Indian Penal Code.

2. Case of the prosecution in brief is that on 23.07.2016, a report was lodged by Sumant Patel that the applicant along with other co-accused persons ploughing the harvest sown by the complainant. Consequently dispute started and the applicant along with other family members Devraj and Shiva assaulted Sumant Patel and Roptara was also assaulted by spade on her head and the other complainant and family members also sustained injuries. The injuries caused to the Roptara was enough to cause death. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that the dispute occurred over taking over the possession of the field and the entire allegations of assault by spade is on Devraj. It is further submitted that the applicants no.1 and 2 are 75 and 73 years of age and other applicants who are lady are lodged in jail with minor children. It is further submitted that the applicants have also made a counter report against 12 other accused and the case has been registered. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 06.09.2016, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents and statement of Roptara as also the query report. Taking into the allegation attributed to these applicants and the fact that charge-sheet in this case has been filed and the applicants are in jail since 06.09.2016 and further considering the background of this case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge