

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7555 of 2017

- Smt. Lekhani Bai W/o Shri Sanjay Chandrakar, Aged About 26 Years By Caste Kurmi, Occupation Agriculture Labour, R/o Village Ghorpendri, Thana Pandatarai, Tahsil Pandariya, Civil And Revenue District Kabeerdham Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandatarai, District Kabeerdham Chhattisgarh , Chhattisgarh

---- Respondent

MCRC No. 117 of 2018

1. Bhunesh Chandrakar S/o Shri Krishna Chandrakar, Aged About 24 Years R/o Village Bundeli, Ghar Panodari, Thana And Tahsil Mungeli District Mungeli Chhattisgarh, Chhattisgarh
2. Dinesh Chandrakar, S/o Shri Baniya Chandrakar, Aged About 27 Years R/o Village Bundeli, Thana And Tahsil Mungeli, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandatarai, District Kabeerdham Chhattisgarh, Chhattisgarh

---- Respondent

MCRC No. 7620 of 2017

1. Manharan Chandrakar S/o Shri Ramadhar Chandrakar Aged About 38 Years By Caste Kurmi, R/o Village Ghorpendri Thana Pandatarai Tahsil Pandariya Civil And Revenue District Kabeerdham Chhattisgarh.
2. Gokul S/o Ramprasad Chandrakar Aged About 35 Years By Caste Kurmi, R/o Village Ghorpendri Thana Pandatarai Tahsil Pandariya Civil And Revenue District Kabeerdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
3. Sanjay S/o Ramhihora Chandrakar Aged About 25 Years By Caste Kurmi, R/o Village Ghorpendri Thana Pandatarai Tahsil Pandariya Civil And Revenue District Kabeerdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through The Station House Officer Police Station Pandatarai District Kabeerdham Chhattisgarh.

---- Respondent

MCRCA No. 29 of 2018

1. Smt. Durpati Bai Chandrakar W/o Shri Ramprasad Chandrakar, Aged About 43 Years R/o Village Ghorpandri, Thana Kunda, District Kabeerdham, Chhattisgarh.
2. Smt. Nana Bai Chandrakar, W/o Shri Nihora Chandrakar, Aged About 50 Years R/o Village Ghorpandri, Thana Kunda, District Kabeerdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
3. Smt. Sushila Bai, W/o Shri Krishna Chandrakar, Aged About 46 Years R/o Village Bundeli, Thana And Tahsil Mungeli, Civil And Revenue District Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandatarai, District Kabeerdham, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate.
For Respondent : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/01/2018

1. Since the above regular bail applications and anticipatory bail application arise out of the same crime number, they are being disposed of by this common order.
2. The applicants in MCRC(A) No.29 of 2018 has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.93/2017 registered at Police Station- Pandatarai, District – Kabeerdham(C.G.), for the offence punishable

under Sections 147, 148, 149, 294, 323, 506 & 307 of the Indian Penal Code (for short 'IPC').

3. The bail applications of applicant- Smt. Lekhani Bai in MCRC No.7555 of 2017, Applicant Bhunesh Chandrakar and Dinesh Chandrakar in MCRC No.117 of 2018 and applicants in MCRC No.7620 of 2017 is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to them as they have been arrested in connection with Crime No.93/2017, registered at Police- Station Pandatarai, District– Kabirdham (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 323, 506 & 307 of Indian Penal Code (for short 'IPC').
4. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated in the crime in question. The real incident had been a free fight between the applicants and the complainant party. The complainant party were aggressor one and because of their act one of the members of the applicant party Ramadhar Chandrakar has suffered fatal injuries and died. Report of the incident was lodged by one of the accused on the date of incident itself i.e. on 13.10.2017, whereas FIR by the complainant side was lodged on 14.10.2017, which is a counter case of the same incident. The fact is that the applicant and other co-accused persons had been defending from the aggressor party i.e. complainant party. Applicants are in jail since 15.10.2017, hence, it is prayed that they may be released on bail.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the statement of witnesses is clear and categorical against the applicant

and others about their being engaged in the commission of the offence registered against them, hence, none of the applicants is entitled for grant of regular bail or anticipatory bail.

6. Heard both the parties and perused the case diary.
7. FIR has been lodged against the applicants in PS-Pandatarai stating that all the applicants, armed with clubs, reached the spot with common object, used abusive words, threatened Vikas Chandrakar to kill him and thereafter assaulted Shivkumar, Liliwa, Satyaprakash, Suryaprakash, Lata Chandrakar causing injuries to them. Shiv Kumar suffered 10 injuries, some to them being caused on his head resulting in fracture of his skull bone, but there is no report that any internal head injury was caused to him or that any of the injuries so caused was sufficient to cause death in the ordinary course of nature.
8. The documents of the counter case are part of the charge-sheet filed against these applicants, which disclose registration of offence against the applicants' side and the offences registered against them are grave in nature as one of the persons from the side of applicants is alleged to have been murdered. Hence, taking into consideration all the facts and circumstances of the case, I am of this view that applicant- Smt. Lekhani Bai in MCRC No.7555 of 2017, Applicant Bhunesh Chandrakar and Dinesh Chandrakar in MCRC No.117 of 2018 and applicants in MCRC No.7620 of 2017 deserve to be enlarged on regular bail and applicants in MCRC(A) No.29 of 2018 also deserve to be enlarged on anticipatory bail.
9. Accordingly, the anticipatory bail application of applicants in MCRC(A) No.29 of 2018 is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offences, they shall be

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

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

10. Likewise, all the regular bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that applicant- Smt. Lekhani Bai in MCRC No.7555 of 2017, Applicant Bhunesh Chandrakar and Dinesh Chandrakar in MCRC No.117 of 2018 and applicant in MCRC No.7620 of 2017 shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one local surety in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge