

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1547 of 2018**

Smt. Neera Bai Verma W/o Late Ramkumar Verma Aged About 50 Years
R/o- Village Bajar Atariya, Police Station Khairagarh, District- Rajnandgaon,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The District Magistrate Rajnandgaon,
District- Rajnandgaon, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 1671 of 2018**

Bal Mukund Verma S/o Nanhu Verma Aged About 63 Years R/o- Village
Achholi, P.S. Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- The District Magistrate, Station House
Officer, P.S. Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 2057 of 2018**

Setram Verma S/o Munshi Verma Aged About 61 Years R/o- Village Bori,
P.S. And Tehsil- Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- The District Magistrate Rajnandgaon,
District- Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Rakesh Pandey and Shri Uttam Pandey, Advocates.
For the Respondent/State	:	Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.05.2018**

Heard.

1. All these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications filed by the applicants for grant of regular bail to them, who have been arrested in connection with Crime No. 193 of 2017, registered at Police Station – Khairagarh, District – Rajnandgaon, Chhattisgarh for the offences punishable under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants are in jail since 22.9.2017 and have been falsely implicated in this case. Even if the statement of the witnesses taken as it is, it is clear that these applicants are not the main accused in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Hence, for these reasons, the applicants are entitled for grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that it is a case in which the applicants were members of the unlawful assembly having common object to cause death of deceased – Kheduram Verma and attempt to cause death of Ganga Bai. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the incident has taken in two parts. Main accused persons – Tomeshwar Verma and Vishram alongwith

Bal Mukund Verma and Setram Verma chased the deceased – Kheduram Verma and Ganga Bai who were riding a motorcycle and assaulted them with iron rods as a result of which, Kheduram Verma succumbed to the injuries and Ganga Bai suffered fatal injuries. In the second part of the incident, main accused – Tomeshwar Verma and Vishram came with blood-stained iron rods and clothes to another spot, the residential place and assaulted the other injured victims in which the other accused persons, namely, Neera Bai, Ashomati and Yamini also participated in assaulting and injuring the other witnesses in this case.

6. After considering all the material present in the case-diary, it appears that applicant – Smt. Neera Bai Verma in M.Cr.C. No. 1547 of 2018 was not one of the persons who had assaulted the deceased and fatally injured Ganga Bai, on the other hand, she was present on another spot of incident in which no fatal injury was caused to any person, hence, the bail application of applicant – Smt. Neera Bai Verma in M.Cr.C. No. 1547 of 2018 deserves to be allowed and no case is made out for grant of regular bail to applicants – Bal Mukund Verma in M.Cr.C. No. 1671 of 2018 and Setram Verma in M.Cr.C. No. 2057 of 2018 and they do not deserve to be enlarged on bail. On the basis of the evidence present against them, their applications are rejected.

7. Accordingly, the bail application of applicant – Smt. Neera Bai Verma in M.Cr.C. No. 1547 of 2018 filed under Sections 439 of the Cr.P.C. is allowed and the bail applications of applicants – Bal Mukund Verma and Setram Verma in M.Cr.C. Nos. 1671 of 2018 & 2057 of 2018 filed under Sections 439 of the Cr.P.C. are rejected.

8. It is directed that applicant – Smt. Neera Bai Verma in M.Cr.C. No.1547 of 2018 shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi