

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2466 of 2018

- Meera Ratre W/o Anand Ratre Aged About 35 Years R/o- Sweeper Basti, Modhapara, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Modhapara, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 4315 of 2018

- Ku. Muskan Ratre D/o Anand Ratre Aged About 18 Years R/o- Moudhapara, Sweeper Basti, Raipur, Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Moudhapara, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

For Respondent : Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/07/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are second bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.232/2017 registered at Police Station-Modhapara, District – Raipur(C.G.) for the offence punishable under Sections 294, 326, 323, 327, 324 & 560(B) r/w Section 34 of the Indian Penal Code and Section 25 & 27 of the Arms Act.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicant Meera Ratre in MCRC No.2466/2018 is in jail since 24.11.2017 and applicant Ku. Muskan Ratre in MCRC No.4315/2018 is in jail since 19.12.2017. No case is made out against these applicants. The main assailant in this case is Vishal Ratre, who assaulted the victim whereas the allegation against these applicants is of causing simple injuries only, hence, it is prayed that applicants be granted regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the applicant Meera Ratre has a criminal antecedent of having being prosecuted for the offences under the provisions of IPC, hence, she is not entitled for grant of regular bail.
5. In reply, learned counsel for the applicant submits that applicant Meera Ratre had been on bail at the time she was arrested in this case.
6. Heard both the parties and perused the case diary.

7. According to prosecution case, on the date of incident, both these applicants and Vishal Ratre asked for money to buy liquor from the complainant Ashfaq, on his refusal the applicants and the co-accused firstly abused and then assaulted him with hands and fists, in the meanwhile, co-accused Vishal took out a knife and assaulted the victim on his abdomen causing injury to him.
8. After considering on all the material present in the case diary, I am of this view that both these applicants have not the main assailants in this case and the trial against them is likely to take some time before its conclusion, hence, this is a fit case for grant of regular bail to the applicants.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge