

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5264 of 2018

1. Bhagirathi Kurrey S/o Radheyshayam Kurrey, Aged About 24 Years, R/o- Mudpar, P.S. Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Mangalavat Bai W/o Radheyshayam Kurrey, Aged About 50 Years, R/o- Mudpar, P.S. Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- P.S.- Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

MCRC No. 5293 of 2018

1. Shyamnarayan Ajgale S/o Ramsai Ajgale, Aged About 40 Years, R/o Village Mudpar, P.S. Bilaigarh, District Balodabazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, P.S. Bilaigarh, District Balodabazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant(s) – Shri Hemant Gupta, Advocate (in MCRC No.5264 of 2018),
Shri Raghavendra Pradhan, Advocate (in MCRC No.5293 of 2018).

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-10-2018

1. As these two applications arise out of the same crime number, i.e., Crime No.433/2017 registered at P.S. Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh, for the offence under Section 147, 148, 149, 120-B, 201, 452, 302, 307, 436, 435 of the IPC & Section 25, 27 of Arms Act, they are being decided by this common order.
2. These are first bail applications filed before this Court by the applicants under Section 439 of the Cr.P.C. for grant of regular bail. Applicant

Shyamnarayan Ajgale (applicant in MCRC No.5293 of 2018) has been arrested on 13-06-2018 and applicants Bhagirathi Kurrey and Mangalavat Bai (applicants in MCRC No.5264 of 2018) have been arrested on 18-12-2017, 19-12-2017 respectively, in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant Shyamnarayan Ajgale is in jail since 13-06-2018 and applicants Bhagirathi Kurrey and Mangalavat Bai are in jail since 18-12-2017 & 19-12-2017. Similarly placed co-accused persons have been granted regular bail by this Court. Hence, it is prayed that these applicants may also be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submitting that name of these applicants has appeared in the statement of the witnesses on the spot portraying them as assailants and culprits in this case, hence, no case is made out for grant of regular bail.

5. Heard learned counsel for the parties and perused the case diary.

6. The case of the prosecution against these applicants is this, that, Vikki Ajgale and others were gambling to which Gopi Chand objected, because of which Vikki Ajgale along with others came to the house of complainant Priyanka Tandon and all the members were armed with clubs, sword and other articles. Because of threatening complainant Priyanka Tandon sought refuge inside her house and at the same time it is alleged that Mangalavat Bai (applicant No.2 in MCRC No.5264 of 2018) and co-accused Sukhsagar Bai set the house of the complainant ablaze. It is also alleged that Vikki Ajgale, Ramsai Ajgale, Radheyshyam Kurrey assaulted, injured and threw the deceased inside the burning house, as a result of which she has died. Hence, this case.

7. Considered on the entire material present in the case diary. There appears to be some statement given by the witnesses against applicant

Bhagirathi Kurrey, but, considering this fact that similarly placed co-accused persons have been granted bail, I feel inclined to allow both these applications.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge