

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7395 of 2018

1. Gulab S/o Late Shivnath Giri aged about 70 Years R/o Jamchuan, Police Station - Narayanpur, District - Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Jagarnath Giri S/o Late Shivnath Giri aged about 60 Years R/o Jamchuan, Police Station - Narayanpur, District - Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
3. Shobnath Giri S/o Jaynath Giri aged about 22 Years R/o Jamchuan, Police Station - Narayanpur, District - Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Narayanpur, District - Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

MCRC No. 7674 of 2018

- Arvan Giri S/o Gulab Giri aged about 20 Years, Caste-Gosai, R/o Jamchuan, Police Station Narayanpur, District -Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Narayanpur, District- Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

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MCRCA No. 1393 of 2018

- Smt. Kaushilya Giri W/o Jaynath aged about 50 Years Caste Gosai R/o Village Jamchuan, Police Station Narayanpur, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer,police Station Narayanpur, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. J.K. Saxena, Advocate.
For Respondent	:	Mr. Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/11/2018

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents and same crime number, they are being heard and decided together by this common order.
2. Applicant Smt. Kaushilya Giri has filed M.Cr.C(A) No.1393/2018 seeking anticipatory bail as she apprehends her arrest in connection with Crime No.36/2018 registered at Police Station-Narayanpur, District-Jashpur, for the offence punishable under Sections 307, 147, 120-B, 34 of the Indian Penal Code (for short 'IPC').

3. Applicant Gulab & Ors. has filed M.Cr.C. No.7395/2018 and applicant Arvan Giri has filed M.Cr.C. No.7674/2018 seeking regular bail as they have been arrested in connection with Crime No.36/2018 registered at Police-Station-Narayanpur, District-Jashpur, for the offence punishable under Sections 307, 147, 120-B, 34 of the Indian Penal Code.
4. Learned counsel for the applicants submits that applicants are innocent and have falsely implicated in this case. Applicant is in jail since 19.6.2018. No case is made out against them regarding the commission of offence under Section 307 of IPC. The fact is this that on the date of incident a dispute took place between the applicant and the complainant party regarding the ploughing in the disputed land. One FIR was also lodged by the applicants side and on that basis counter case was registered against the complainant party, which is registered as Crime No.35/2018. Hence, it is prayed that applicants be enlarged on regular as well as anticipatory bail.
5. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that four persons were injured on this incident on account of assault made by the accused person.
6. Heard both the parties and perused the case diary.
7. It is alleged that because of a dispute regarding the ploughing of the agricultural field, the applicants and the complainant party engaged in a fight, in which, these applicants and the co-accused assaulted the Basant Giri, Amit Giri, Geeta Giri & Bahru Giri with axes and clubs causing injuries to them which have been reported as simple as well as grievous in nature.

8. After considering on all the material present in the case diary and considering this fact that the counter case present in this case, I am of this view that this is fit case where applicants should be enlarged on regular as well as anticipatory bail.
9. Accordingly, the bail application of applicants in MCRC No.7395/2018 & MCRC No.7674/2018 filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their 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 their appearance as and when directed.
10. Accordingly, the anticipatory bail application of applicant in MCRCA No.1393 of 2018 is allowed and it is directed that in the event of her arrest in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each

and every date given to her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha