

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9227 of 2018

1. Smt. Bansmati W/o Ramvichare Aged About 42 Years, R/o Village Salka, P. S. And Tahsil Khadganwa, District Korea Chhattisgarh

2. Smt. Manmati W/o Biharilal Aged About 48 Years R/o Village Bhandi, P. S. Bailunthpur, District Korea Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Police Station Khadganwa, District Korea Chhattisgarh

---- Respondent

For applicants - Shri F.S. Khare, Advocate.
For Respondent/State –Shri Aditya Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/12/2018

1. This is second bail application under section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 7/03/2017 vide M.Cr.C. No.1221/2017 with liberty to repeat the same after examination of the injured witness.

2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.177/2016 registered in Police Station Khadganwa, District Korea (C.G.) for offence punishable under sections 147, 148, 149, 294, 307, 435 of IPC.

3. As per the prosecution case, on 2/11/2016 over taking over possession of the agricultural field to cut the harvest complainant were attacked namely Mamta Choubey and Rajendra Choubey and others and the present applicants were also members of the unlawful assembly and it is stated that applicant No.1 Bansmati tried to cut throat of the complainant Mamta Choubey and Rajendra Choubey was assaulted by others and applicant No.2 Manmati was part of the assembly. Thereby

offence has been committed.

4. Learned counsel for the applicants submits that the applicants are in jail since 2/11/2016, two injured Mamta Choubey and Rajendra Choubey have been examined which would show that there was no intention to kill and only over taking over possession of the land incident happened, therefore the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Considering the facts of the case, applicants are ladies, injured have already been examined, taking into period of jail which the applicants have suffered, this court is inclined to release the applicants on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE