

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1484 of 2019

1. Anjali W/o Daspal Bhaskar Aged About 26 Years R/o Village Jahlari, Dhankodpara, District Mungeli, Chhattisgarh.
2. Panch Bai W/o Kripal Aged About 30 Years R/o Village Jahlari, Dhankodpara, District Mungeli, Chhattisgarh.
3. Ridhiyaram S/o Duklaha Aged About 70 Years R/o Village Jahlari, Dhankodpara, District Mungeli, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Lormi, District Mungeli, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Soumitra Kesharwani, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/12/2019

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 207/2019, registered at Police Station Lormi, Distt. Mungeli (C.G.) for the offence punishable under Sections 307, 147, 148, 149 & 325 of the IPC.
2. As per prosecution story, on 10.05.2019 at about 4:15 one Kanti Bai lodged a report in police station alleging therein that the applicants and other co-accused persons assaulted Kunjram, Devdas, Gajpal, Lokesh, Deepak, Santosh Patley, Smt. Ragini, Ishwari and Tripal @ Narwa due to that they sustained injuries. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that *prima facie* no case under Section 307 of the IPC can be made out against any of the applicants. Virtually the complainant party had attacked on the applicants party during the event of engagement of co-accused Devdas because of previous enmity. The first FIR was lodged by the applicants party. Subsequent to that, the complaint was lodged by the complainant side. He further submits that other co-accused persons Kunjram, Pushpa Bai, Gajpal, Devdas, Lavkesh, Ishwari, Ragini Bai, Deepak, Kripal, Komal Patley and Santosh Patley have already been granted benefit of bail by this Court vide order dated 08.08.2019 passed in MCRCA no. 999/2019. The case of the present applicants is also same. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that other co-accused persons have already been granted benefit of bail by this Court and the case of the present applicants is also same. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms

and conditions:-

- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicants 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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge