

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6596 of 2019**

1. Khatun Bi D/o Shri Haidar Khan Aged About 52 Years, R/o Village Pandaripani, P.S. Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh.
2. Jaitun Bi D/o Shri Haidar Khan (Wrongly Mentioned W/o. Haidar Khan) Aged About 35 Years, R/o Village Pandaripani, P.S. Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh.
3. Akbar S/o Shri Haidar Khan Aged About 70 Years, R/o Village Pandaripani, P.S. Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants	:	Mr. Pragalbha Sharma, Adv.
For Respondent/State	:	Ms. Akshra Amit, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/12/2019**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 50/2015 registered at Police Station-Bilaigarh, District-Balodabazar, Bhatapara (C.G.) for the offence punishable under Sections 147, 148, 427, 452, 506, 294, 323 (15 times)/149, 307 and 302/149 of the IPC.
2. The prosecution story, in brief is that, on the date of incident because of some rivalry it is alleged that this applicant along with other co-accused persons forcefully entered into the house of complainant Dharamlal Sahu where the complainant and others were assaulted and beaten by the mob. Deceased Fagulal and

others came on the spot later on hearing the commotion and it is alleged that the accused persons including this applicant engaged in assaulting and beating Fagulal and others with use of clubs and brickbats. Due to this Fagulal sustained injury on head and he died on 12.02.2015 during course of treatment. Based on this offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that other co-accused has already been granted bail in MCRC No. 3724/2019 so, the present applicants may also be granted benefit of bail. The applicants are in jail since 06.09.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that other co-accused has already been granted bail and the applicant Nos. 1 & 2 are middle age lady and applicant No. 3 is 70 years old. The present applicants are in jail since 06.09.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

