

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3900 of 2020

1. Shobhabai W/o Kartik Ram Yadav, Aged About 40 Years R/o Gram Manikchori, Police Station Pipariya, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
2. Mandikinibai, W/o Ganesh Yadav, Aged About 38 Years R/o Gram Manikchori, Police Station Pipariya, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer Police Station Pipariya, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicants	:	Shri Ali Asgar, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate
For Objector	:	Shri Sudhir Verma, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/08/2020

Heard.

1. The applicants have been arrested in connection with Crime No. 138/2020 registered in Police Station -Pipariya, District- Kabirdham (CG) for alleged commission of offence under Sections 294, 323, 506, 147, 148, 149, 186, 353, 307 IPC.
2. Case of the prosecution, in brief, is that when road was being constructed under MGNRGA scheme by the road construction agency, the applicants and other co-accused objected to the construction work. They were armed with weapon and all of them opened assault on the persons who were involved in construction of road and in the incident Radhelal and Tilak Ram

sustained injury. It is stated that Radhelal sustained head injury also. According to prosecution, the applicants and other accused assaulted the victim with intention to cause death.

3. Learned counsel for the applicants would submit that the applicants are lady members of the family residing near the location of road construction. It is argued that all the family members including male and female have been roped-in in the incident. The allegation of applicants having assaulted is false. No sharp edged weapon has been seized from the possession of the applicants nor any such injury has been found. There is no fracture injury. It is submitted that applicants have been arrested and are in jail since 25.5.2020. Learned counsel for the applicants further submitted that the investigation is complete and charge sheet has been filed and the applicants are not in a position to tamper with the prosecution witnesses or likely to abscond. Therefore, at this stage, they may be granted bail.
4. On the other hand, learned counsel for the State and counsel for the Objector opposed the bail application by submitting that the applicants and many other villagers assaulted the road construction agency and used lathi, tabbal, knife and caused serious injury to Radhelal and Tilak Ram with intention to cause death. It is argued that both the applicants have been named by the injured and other witnesses who were present at the time of construction of road.
5. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration the nature of injury, the weapon alleged to have been seized and that investigation is complete, charge sheet has been filed and further that applicants are said to be lady members in the house near which the road construction activity was going on which was objected to by the villagers, I am inclined to allow the application.
6. The application is accordingly 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

- (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) 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/-
(Manindra Mohan Shrivastava)
Judge

Praveen