

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6010 of 2020

1. Shesh Dev Patel (Malakar) S/o Late Shri Tekram Aged About 62 Years
2. Smt. Tara Bai Patel (Malakar) W/o Shri Shesh Dev Patel Aged About 60 Years
3. Smt. Manju Patel (Malakar) W/o Shri Kaviraj Patel Aged About 27 Years

All are Agriculturists, R/o Village Barampura, Thana Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh.

---- Applicants

Versus

1. The State Of Chhattisgarh Through The Station House Officer, Police Station Sariya, District Raigarh Chhattisgarh.

---- Respondent

MCRC No. 6153 of 2020

1. Keshav Patel (Malakar) S/o Shri Jagarnathiya Aged About 20 Years
2. Jogendra Patel (Malakar) S/o Shri Tekram Aged About 46 Years
3. Kaviraj Patel (Malakar) S/o Shri Sheshdev Patel Aged About 31 Years
4. Hemsagar Patel (Malakar) S/o Shri Tekram Aged About 40 Years

All are Agriculturists, R/o Village Barampura, Thana Sariya, Tahsil Baramkela, District Raigarh, Chhattisgarh.

---- Applicants

Versus

1. The State Of Chhattisgarh Through The Station House Officer
Police Station Sariya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants	Mr. Sunil Sahu, Advocate
For Respondent /State	Ms Fouzia Mirza, Addl. Advocate General
For Objector	Mr. Ashish Gupta, Advocate

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

27/4/2020

1. Since both the bail applications are arising out of same crime number, they are being considered and decided by this common order.
2. These are the applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.60/2020, registered at Police Station Sariya, District Raigarh (CG) for the offence punishable under Sections 147, 148, 294, 323, 506 & 307 of the Indian Penal Code.
3. At the very outset, learned counsel appearing for the applicants seeks permission of this Court to withdraw the bail application on behalf of *Applicant No.1 Shesh Dev Patel (Malakar) in M.Cr.C.No.6010 of 2020 and for all the applicants i.e. Keshav Patel (Malakar), Jogendra Patel (Malakar), Kaviraj Patel (Malakar) & Hemsagar Patel*

(Malakar) in M.Cr.C.No.6153 of 2020 with liberty to revive the prayer for grant of bail at an appropriate stage.

4. Accordingly, the bail application i.e. M.Cr.C.No.6010 of 2020 in respect of Applicant No.1 Shesh Dev Patel (Malakar) and the bail application i.e. M.Cr.C.No.6153 of 2020 in respect of all the applicants are dismissed as withdrawn with the aforesaid liberty.
5. As per the prosecution case all the accused persons, 07 in number, had filthily abused the victim namely; Digeshwar Patel and other members of his family and assaulted him by means of danda, club, hand & fist. The injured has sustained fracture of left fronto parietal bone and was having Intracranial bleeding. He was also bleeding from nose due to head injury.
6. Learned counsel for the objector has filed photographs of the injuries sustained by the injured.
7. As against the applicants No.2 & 3 namely Smt. Tara Bai Patel (Malakar) & Smt. Manju Patel (Malakar) in M.Cr.C.No.6010 of 2020 the allegation is that while the other accused persons assaulted the injured by club they also participated in the offence by assaulting him by hand & fist. These two applicants are ladies, aged about 60 years & 27 years, respectively.
8. Learned counsel appearing for the State as well as learned counsel appearing for the objector would oppose the bail application in respect of the applicants No.2 & 3 in M.Cr.C.No.6010 of 2020.

9. Considering the nature of allegations against these two applicants i.e. ***Smt. Tara Bai Patel (Malakar) & Smt. Manju Patel (Malakar)*** and also considering the fact that they are in detention since 19-6-2020, I am of the opinion that present is a fit case to release these applicants on regular bail.
10. Accordingly, ***the bail application i.e. M.Cr.C.No.6010 of 2020 in respect of the applicants No.2 & 3 namely; Smt. Tara Bai Patel (Malakar) & Smt. Manju Patel (Malakar)*** is allowed and these applicants are directed to be released on bail on each of them executing personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the concerned on duty remand Magistrate. The applicants No.2 & 3 in M.Cr.C.No.6010 of 2020 are directed to appear before the trial Court on each and every date given by the said Court.
11. In the result, M.Cr.C.No.6010 of 2020 in respect of the applicant No.1 & M.Cr.C.No.6153 of 2020, in respect of all the applicants, are dismissed as withdrawn with the liberty as stated supra. M.Cr.C.No.6010 of 2020, in respect of the applicants No.2 & 3, is allowed.
12. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1301 of 2020**

1. Shesh Dev Patel (Malakar) S/o Late Shri Tekram Aged About 62 Years Agriculturist R/o Village Barampura, Thana Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh.
2. Smt. Tara Bai Patel (Malakar) W/o Shri Shesh Dev Patel Aged About 60 Years Agriculturist R/o Village Barampura, Thana Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh
3. Smt. Manju Patel (Malakar) W/o Shri Kaviraj Patel Aged About 27 Years Agriculturist R/o Village Barampura, Thana Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh

---- **Petitioner****Versus**

- The State Of Chhattisgarh Through The Station House Officer Police Station- Sariya, District Raigarh Chhattisgarh.

---- **Respondent****CRMP No. 1302 of 2020**

1. Keshav Patel (Malakar) S/o Shri Jagarnathiya Aged About 20 Years Agriculturist, R/o Village Barampura, Thana Sariya, Tahsil Baramkela, District Raigarh, Chhattisgarh.
2. Jogendra Patel (Malakar) S/o Shri Tekram Aged About 46 Years R/o Village Barampura, Thana Sariya, Tahsil Baramkela, District Raigarh, Chhattisgarh.
3. Kaviraj Patel (Malakar) S/o Shri Sheshdev Patel Aged About 31 Years Agriculturist, R/o Village Barampura, Thana Sariya, Tahsil Baramkela, District Raigarh, Chhattisgarh.
4. Hemsagar Patel (Malakar) S/o Shri Tekram Aged About 40 Years Agriculturist, R/o Village Barampura, Thana Sariya, Tahsil Baramkela, District Raigarh, Chhattisgarh.

---- **Petitioner****Versus**

- The State Of Chhattisgarh Through The Station House Officer Police Station- Sariya District Raigarh Chhattisgarh.

---- Respondent

For Petitioners : None.
For Respondent : Shri Gagan Tiwari, Deputy GA.

Proceeding Through Video Conferencing

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/10/2020 :

1. MCRC Nos.6010/2010 and 6153/2020 were disposed of by a common order dated 20.10.2020, however, the order carries incorrect date of disposal i.e. 27.4.2020, which should have been mentioned as 20.10.2020.
2. Accordingly, it is directed that the date of disposal of the aforesaid MCrCs be treated as 20.10.2020 instead of 27.4.2020.
3. Both the CrMPs are disposed of accordingly.

Sd/-
Judge
(Prashant Kumar Mishra)