

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6993 of 2020

1. Shivlochni Bai W/o Shiv Lal Aged About 30 Years
2. Kewla Bai W/o Lochhan Sahu Aged About 60 Years
3. Lachan Sahu S/o Ramkishun Aged About 65 Years
4. Bhuneshwar Sahu S/o Lachhan Sahu Aged About 32 Years

(All are r/o Village Rampur, Police Station And Tahsil Odgi, District Surajpur Chhattisgarh)

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Odgi, District Surajpur Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant/State	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-11-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicants have been arrested on 16.09.2020 in connection with Crime No.40/2020, registered at Police Station- Odgi, District- Surajpur, C.G. for offence punishable under Sections 147, 148, 149 and 307/34 of I.P.C.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. According to the story of the incident, these applicants had not participated in inflicting grievous injury to the victim Munni Lal. It has been a case of simple land dispute and as the complainant side were forcing for gaining possession of the disputed land, the applicants and the co-accused had the right to defend the same. The applicants are in jail since 16.09.2020, hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the F.I.R. lodged, all these applicants have equally participated in the commission of offence with the main accused Shivilal, they had formed an unlawful assembly and in the pursuance of common object of the same, the offence has been committed. The victim- Munni Lal in this case is grievously and fatally injured, who is still undergoing treatment in Trauma Hospital, Raipur, that is why his statement could not be recorded till date. There are eye witnesses of this incident and the applicants have two previous antecedents, therefore, the applicants are not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, the complainant- Rajesh Viyar was supervising the construction of Anganwadi that was being raised on the disputed land, when the co-accused and the applicants came on the spot. The Co-accused- Shivilal was armed with an axe and rest of the applicants were armed with clubs. All of them made assault on the construction workers to disrupt the construction proceedings. It is alleged that the co-accused- Shivilal assaulted the Raj Mistry- Munni Lal with an axe on his head causing a deep incised wound of his occipital region, regarding which he is still under treatment in the Trauma Hospital, F.I.R. has been lodged stating all these incidents.
6. Considered on the submissions and the facts present in this case and looking to the nature of the case, I am not inclined to grant bail to the applicant No.3 and 4, however, only for the reason that the applicant No.1 and 2 are women, I feel inclined to grant bail to them.
7. Consequently, the prayer made by the applicants No.3 and 4 in this application filed under Section 439 of the Cr.P.C. for grant of regular bail

is rejected and the prayer made by the applicants No.1 and 2 in this application for grant of regular bail filed under Section 439 of Cr.P.C. is hereby allowed. It is directed that the applicants No.1 and 2 (Shivlochani Bai and Kewla Bai) shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed, on condition as imposed by the concerned Court.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika