

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 354 of 2020**

1. Virendra Singh, S/o Laxman Singh Aged About 28 Years R/o Village Aniruddhpur, Police Station Ramchandrapur District Balrampur Ramanujganj Chhattisgarh.
2. Smt. Durga Singh W/o Ramswarup Singh Aged About 40 Years R/o Village Aniruddhpur, Police Station Ramchandrapur District Balrampur Ramanujganj Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ramchandrapur District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants	: Shri Shakti Raj Sinha, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**06/02/2020**

1. The applicants have preferred the second bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 22/2018, registered at Police Station – Ramchandrapur, District – Balrampur-Ramanujganj, Chhattisgarh, for the offence punishable under Sections 147, 148, 307, 323, 302 of I.P.C.
2. First bail application of applicant No. 1 was dismissed as withdrawn with liberty to file afresh after examination of eye-witnesses vide order dated 01.05.2019 passed in MCRC No. 1645/2019 and first bail application of applicant No. 2 namely Smt. Durga Singh was also dismissed as withdrawn vide order dated 06.02.2019 passed in MCRC No. 427/2019.
3. After arguing for some time, learned Counsel appearing for applicants, submits that he wants to withdraw the application with regard to

applicant No. 1 namely Virendra Singh.

4. Accordingly, application is dismissed as withdrawn with regard to applicant No. 1 Virendra Singh.
5. As per the prosecution story, there was a previous land dispute between present applicants and his family with the deceased and his family. It is alleged that on 30.06.2018 when the injured Nandkeshwar along with his brother Nandkumar were cultivating the field, at that time applicants and their family members came to the spot and assaulted them due to that they sustained injuries on their body. At that time when their father Ishwar Dayal intervened in the matter then, he was also assaulted by the applicants due to which he sustained injuries on his head and other parts of the body and when he was taken to hospital for treatment, he died on the way. On the basis of the above, offence has been registered and applicants No. 1 & 2 were taken into custody on 01.09.2018 and 22.09.2018 respectively.
6. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case due to some previous dispute with deceased and his family members. He further submits that there is no direct evidence available on record against the applicant No. 2 which shows that she has committed mar-pit with the deceased. It is further submitted that eye-witnesses namely Sarita Devi (PW-2), Nandkeshwar Singh (PW-3), and Nand Kumar Singh (PW-4) in their Court statement have categorically deposed that deceased was assaulted by other co-accused persons namely Jinu Lohar, Chandrika Lohar and Ramnarayan. It is further submitted that applicant No. 2 is a lady and she is in custody since 22.09.2018 and trial is likely to take some time. Therefore, it is prayed that applicant No. 2 may be released on bail.
7. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
8. I have heard learned Counsel for the parties and perused the case

diary.

9. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that there is no direct evidence available on record which shows that applicant No. 2 has assaulted the deceased, also she is in custody since 22.09.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release applicant No. 2 namely Smt. Durga Singh on bail.
10. Accordingly, the bail application is allowed with regard to applicant No. 2.
11. It is directed that the applicant No. 2 shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for her appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge