

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 553 of 2021**

- Shiv Lal Sahu S/o Lachchan Sahu Aged About 35 Years Caste- Teli, R/o- Village- Rampur, Police Station And Tahsil- Odgi, District- Surajpur, Chhattisgarh

---- Applicant (In Jail)**Versus**

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

---- Respondent

For Applicant	: Shri Pawan Kumar Kashyap, Advocate
For Respondent/State	: Shri Sidharth Dubey, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**02.03.2021**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No.40 of 2020 registered at Police Station Odgi, District Surajpur (CG) for the offences punishable under Sections 147, 148, 149, 307 and 120 B of the IPC.
2. Case of the prosecution, in brief, is that applicant along with other co-accused persons, assaulted the complainant and labourers on account of a land dispute.
3. Shri Pawan Kashyap, learned counsel for the applicant submits that applicant along with his family members are in possession of 0.02 decimal land of Khasra No.394 situated in Village Rampur since long, by raising a permanent construction thereon. The village Panchayat allotted and earmarked the said portion of land for construction of Anganbadi building and in the night of 15.09.2020 at about 8 pm, Panchayat members along with others demolished the construction made by present applicant, have started raising construction of Anganbadi building. This act was opposed by the

applicant and other family members and in that process, a dispute and free fight took place. He further submits that other two co-accused persons namely, Shivlochani Bai and Kewla Bai have already been granted bail by a co-ordinate Bench of this Court vide order dated 05.11.2020 passed in MCRC-6993 of 2020. The applicant is in jail since 16.09.2020, hence he may be enlarged on bail.

4. Controverting the submissions made by learned counsel for the applicant, Shri Ashish Tiwari, learned Government Advocate submits that main allegation against the present applicant is with regard to assault made by him by means of an Axe on the head of Munnilal, who was working as Mason on the spot. He further submits that aforementioned bail order, which is placed on record as Annexure A2 itself shows that benefit under Section 439 of Cr PC has been granted to two co-accused persons, considering them to be female members. By the same order, two other persons namely, Lachan Sahu and Bhuneshwar Sahu have been denied the benefit of bail. He points out that aforementioned allegation against accused persons is that they assaulted by means of clubs. As per the query report, looking to the injury on occipital region, Doctor has opined that if immediate treatment has not been provided to Munnilal, he could have died. Case of present applicant is also not on better footing than the case of aforementioned two co-accused persons.

5. Taking into consideration facts and circumstances of the case, nature of allegations, further considering the fact that bail application of other co-accused persons namely, Lachan Sahu and Bhuneshwar Sahu,

allegation against whom is that they assaulted by means of clubs, has been rejected, I am not inclined to grant bail to the present applicant.

6. Accordingly, bail application is rejected.

Sd/-
(Parth Prateem Sahu)
JUDGE

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