

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 66 of 2021**

- Smt. Saroj W/o Rajeshwar Prasad Jaiswal Aged About 54 Years R/o Bilaigarh, Thana And Tehsil Bilaigarh, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Bilaigarh , District Balodabazar Bhatapara Chhattisgarh.

---- Respondent**MCRCA No. 93 of 2021**

1. Kumari Pushpa D/o Shri Foolchand Sahu, Aged About 21 Years R/o Ward No.07, Bhilaigarh, Police Station Bhilaigarh, District Balodabazar- Bhatapara Chhattisgarh.
2. Kumari Manju Sahu D/o Shri Foolchand Sahu, Aged About 27 Years R/o Ward No. 07, Bhilaigarh, Police Station Bhilaigarh, District Balodabazar- Bhatapara Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Bhilaigarh, District Balodabazar- Bhatapara Chhattisgarh.

---- Respondent

For Applicants	:	Ms. Supriya Upasane, Advocate in MCRCA No.66/2021 & Mr. Pragalbha Sharma, Advocate in MCRCA No.93/2021
For Respondent.	:	Mr. Udhaw Sharma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/03/2021**

Heard

1. Both the applications are being decided by this common order as they arise out of same crime number.
2. These applications under Section 438 of the Code of Criminal Procedure have been filed by the applicants who are

apprehending their arrest in connection with Crime No.232/2020 registered at Police Station – Bilaigarh, District Balodabazar – Bhatapara (C.G.) for commission of the offence punishable under Sections 147, 186, 294, 332, 353 and 506 of IPC.

3. As per the prosecution case, a mob led by the present applicants tried to obstruct the government work unitedly and threatened for life and assaulted with hands, fists and kicks to the Chief Municipal Officer when the action was being taken to remove illegal construction at Indira Market near Bilaigarh under his direction. It is alleged that the Chief Municipal Officer also sustained injuries on vital parts of his body like head, stomach etc. Based on this, offence has been registered against the applicants and co-accused persons under Sections 147, 186, 294, 332, 353 and 506 of IPC.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. Learned counsel in MCRCA No.66/2021 submits that the applicant is a lady and she is suffering from Cancer and needs regular visit of Doctor for Chemotherapy. Learned counsel also submits that a written letter has been submitted before the Chief Municipal Officer stating that the house is not illegally constructed and the same has been constructed with the permission of concerned Nagar Panchayat.
5. Learned counsel for the applicants in MCRCA No.93/2021 submits that during demolition process there were hundreds of villagers present at the spot and no one obstructed them.

He also submits that the applicant No.1 is pursuing her study in B.Sc (Nursing) and applicant No.2 is a student of M.A., they are regular students and unmarried. Lastly, it has been jointly submitted by learned counsel for the applicants that other co-accused persons have already been extended benefit of regular bail by this Court vide order dated 05.02.2021 passed in MCRC Nos. 580/2021 and 618/2021, therefore, present applicants may also be granted benefit of anticipatory bail.

6. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that there is named FIR in the incident.
7. The bail application of applicant in MCRC No.66/2021 is supported by documents pertaining to permission of construction by the concerned Nagar Panchayat. She is cancer patient and has also filed medical documents to that effect. The applicants in MCRC No.93/2021 are girls stated to be regular student of B.Sc. (Nursing) and M.A. respectively. It is also to be noted that other co-accused persons have already been granted regular bail by this Court.
8. Having considered the entire fact situation of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicants.
9. Accordingly, the applications are allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- each with one surety for the like sum to the satisfaction of

the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation before the concerned investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge