

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3763 of 2021**

1. Ishwari Sahu W/o Ashok Kumar Sahu, Aged About 30 Years,
2. Saraswati Sahu W/o Hemant Kumar Sahu, Aged About 39 Years

Both are R/o Village Chiraigodi, Police Station Balod, District - Balod Chhattisgarh. **----Applicants**

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Of Police Station - Balod, District - Balod Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Anil Gulati, Advocate
For Respondent-State	:-	Mr. Chandresh Shrivastava, Dy.AG
For Objector	:-	Mr. Rajkumar Pali, Advocate

Proceedings through Video Conferencing

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Order On Board

23/07/2021

1. The applicants have preferred this application under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime No.28/2021 registered in Police Station Balod District Balod C.G. for the offence punishable under Sections 302, 201, 147 of the I.P.C.
2. On a dispute concerning cultivation and running tractor over

an agricultural field belonging to deceased Onkar Prasad, all accused persons namely; Ashok Sahu, Harishchandra, Nemichandra, Hemant Kumar, Kamta Sahu, Poonam Chand Sarwa and the present two applicants namely; Ishwari Sahu and Saraswati Sahu assaulted the deceased and committed murder on 25.1.2021.

3. Three eyewitnesses namely; Puranik Ram, Hemant Kumar and Jagganath Sahu have stated that when other six accused were assaulting the deceased, these two applicants (Ishwari Sahu and Saraswati Sahu) were exhorting calling the remaining accused persons to kill the deceased.
4. Learned State counsel and learned counsel for the objector would oppose the bail application. According to them, the applicants were present at the time of incident and their names have been figured in the statements of eyewitnesses, therefore, they are not entitled to be released on bail.
5. Considering the fact that applicants are ladies, aged about 30 and 39 years and the allegation against them is only of exhorting other accused and not of participating in assault as also for the fact that they are in jail since 26.1.2021 and the charge-sheet has already been filed, I am inclined to release the applicants on bail.
6. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them

executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

Ayushi