

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 681 of 2021**

Smt. Ram Bai W/o Dhursai Choudhari Aged About 50 Years
R/o Dogariya, Police Station Gourela, District Gourela Pendra
Marwahi Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer,
Police Station Kota, District Bilaspur Chhattisgarh.

---- Non-applicant**MCRCA No. 822 of 2021**

Smt. Rukhmani Wife of Dhane Choudhari Aged About 28
Years Resident of Village - Bhalaur, Police Station -
Manendragarh, At Present Resident Of Dogariya, Police
Station- Gourela, District- Gourela-Pendra-Marwahi
(Chhattisgarh)

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer,
Police Station - Kota, District- Bilaspur (Chhattisgarh)

---- Non-applicant

For Applicants : Shri Shrawan Kumar Chandel, Advocate

For Non-applicant/State : Shri B.P. Banjare, Dy. G.A.

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****16.07.2021**

1. Since both the applications arising out of same crime number, they are being heard and decided by the common order.
2. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.113 of 2021, registered at Police Station Kota, District Bilaspur (C.G.), for

offence punishable under Sections 147, 148, 149, 294, 323 & 302 of Indian Penal Code.

3. Case of the prosecution in brief, is that, on 21.02.2021, complainant party and the accused party went to Marhi Maha Temple, situated at Bhanwarantak, Police Station Kota, after offering prayers in the Temple, both the parties came near the pond for cooking their food, at that relevant time, members of the accused party started quarreling under the intoxicating condition, which was objected by the injured party and have asked them not to quarrel and used filthy language. Thereafter, the complainant party started taking their lunch, Karan Ratre after taking his lunch went little far and sat over the motorcycle. 7-8 members of the accused party came near Karan Ratre, of which, 2 were female members, they started abusing him and 3 persons who are armed with club and belcha started assaulting him and caused injuries. Thereafter, members of the accused party left the place of incident. Karan Ratre was taken to hospital where he declared dead. The incident was reported by Sarvesh Manhar (member of injured party), based upon which, incident was reported against unknown person. During the course of investigation, on the basis of statement of Akhilesh Kosle, who is engaged in profession of Photography at Marhi Mata Temple and the photographs saved in the laptop of the date of incident i.e. 21.02.2021, one of the accused person, namely, Ravi Chaudhari was arrested. Based on the memorandum statement of Ravi Chaudhari, Kanhaiya Chaudhari and Ram Prasad Chaudhari were also arrested and

their memorandum statements were also recorded. Based on their memorandum statements, present applicants were made accused in the instant crime.

4. Shri Shrawan Kumar Chandel, learned counsel for the applicants submits that First Information Report was lodged by the eyewitness Sarvesh Manhar who was member of injured party. In the First Information Report, he has made specific allegation that 7-8 persons came near the deceased, abusing him and three persons who are armed with club and belcha, assaulted the deceased. He further submits that there is no allegation levelled against the present applicant by the eyewitness that present applicant also participated in the assault to the deceased. It is contended that based on the memorandum statement of co-accused persons, applicants have been implicated in the instant crime. It is further contended that applicants though present at the place of incident because they have gone to Temple in a group for offering the prayers at Marhi Mata Temple, therefore, in the company of other persons, they were taking their lunch near the place of incident and applicants being the female members have not committed offence as alleged against them.
5. Per contra, Shri B.P. Banjare, learned Deputy Government Advocate representing the State vehemently opposes the bail application and read over the contents of First Information Report and statement of Akhilesh Kosle in support of his contention. He submits that in the statement of Akhilesh Kosle, he stated that as many as 7-8 persons in very aggressive manner attacked the

deceased Karan Ratre and applicants were also present near the place of incident and abused the deceased in filthy language. Shri Banjare read over the memorandum statements of Ravi Chaudhari, Kanhaiya Chaudhari and Ram Prasad Chaudhari and submits that co-accused have specifically named the present applicants participating in the instant crime, hence, they are not entitled for grant of anticipatory bail.

6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations, particularly manner of incident as stated by the eyewitness/complainant and the statement of complainant, in which, he has been specifically stated that 2-3 persons have armed with club and belcha assaulted the deceased and name of present applicants came only in the memorandum statement of co-accused Ravi Chaudhari, without commenting anything into the merits of the case, I am inclined to release the present applicants on anticipatory bail.
8. Accordingly, bail applications (MCRCA 681 of 2021 and 822 of 2021) are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on anticipatory bail on their furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the arresting officer and they shall be abide by the following conditions :-

(i) they shall make themselves available for interrogation by a police officer as and when required;

(ii) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

(iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge