

NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR****MCRCA No. 13 of 2021**

1. Smt. Surja Banjare W/o Kumar, aged about 62 years
2. Smt. Shivkumari Patle W/o Dilip Patle, aged about 35 years
3. Sangita D/o Kumar, aged about 18 years

All are R/o Jarhabhata, Ward No. 07 mini Basti, Police Station-Civil Lines, District Bilaspur Chhattisgarh

**-----Applicants****VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Station: Civil Lines, District Bilaspur, Chhattisgarh

**-----Respondent****WITH****MCRCA No. 728 of 2021**

1. Satkumari Banjare D/o Kumar Banjare Aged About 26 Years
2. Panna Lal Ghritlahre S/o Punaram Ghritlahre Aged About 40 Years

Both are R/o Ward No. 07, Mini Basti, Jarhabhatha, Police Station - Civil Lines, District - Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

**----Applicants****Versus**

- State of Chhattisgarh Through - Station House Officer, Police Station - Civil Lines, District - Bilaspur Chhattisgarh.

**---- Respondent**


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| For Applicants        | : Mr. Dharmesh Shrivastava, Advocate |
| For Respondent- State | : Mr. Priyank Rathi, Panel Lawyer    |

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**(Through Video Conferencing)****Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****25/06/2021**

1. Applicants have preferred these applications under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 770/2020 registered at Police Station Civil Lines, District Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 149,

307, 323, 427, 452 of IPC.

2. Case of the prosecution is that, some dispute took place between Anshul Banjare who is son of Ramlakhan Banjare and Shantanu who is nephew of Deva. On account of the aforementioned dispute, Deva Banjare and other co-accused persons assaulted the complaint party by the means of iron pipe, Raju and Rajkumar with club and Panna Ghritlahre along with Rajkumari, Shivkumari, Satkumari, Santkumari, Sangita, Surja Banjare, Priyanka and Amit. They entered into the house of complainant Vinay Ghritlahre and assaulted him due to which he suffered grievous injuries. Santoshi Banjare who was also present there, suffered injuries on her head and back. Ramlakhan who came there to intervene was also got assaulted by Deva and Raju Banjare assaulted him by means of club, Rajkumari, Priyanka, Santkumari, Shivkumari by means of bricks/ stone. When the injured persons, to save their lives, entered into the house and closed the door, the accused persons have damaged the motor cycle bearing registration no. CG 22 1502 and Activa which was parked in front of their house.
3. Mr. Dharmesh Shrivastava, learned counsel for applicants submits, that the present applicants have not participated in the incident but have been falsely implicated in the crime. He submits that for the same incident, Rajkumari has also lodged an F.I.R. bearing crime no. 771/2020 on the same day against Ramlakhan Banjare, Vinay Ghritlahre and Dhannu, which was registered against them for offence under Sections 294, 307, 323, 34, 506 of IPC. He further pointed out that the allegation levelled against the applicants Surja Banjare, Shivkumari, Sangita, and Santkumari is that they have assaulted by means of bricks but there were no injuries caused by brick/ stone.
4. Mr. Priyank Rathi, learned Panel Lawyer for the State opposes the submissions made by the learned counsel for applicants and submits, that

the present applicants along with others have formed unlawful assembly and have participated in the incident with common intension. The said incident was witnessed by neighbour named Lily. On the basis of information given by injured Vinay Banjare, the aforementioned crime was registered against the present applicants along with others. Applicants are not entitled for the anticipatory bail.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation levelled against the present applicants, as also the material available in the case diary, particularly, the statement of Lily stated to be neighbour, I do not find it a fit case to enlarge the applicants on anticipatory bail.
7. Accordingly, the applications for grant anticipatory bail are dismissed.

Sd/-  
**(Parth Prateem Sahu)**  
Judge