

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.927 of 2021

1. Devendra Goswami, S/o Lochan Bharti Goswami, aged about 26 years old, R/o village Patharra, P.S. Kota, District Bilaspur (CG)
2. Lalita Goswami, W/o Lochan Bharti Goswami, aged about 47 years old, R/o village Patharra, P.S. Kota, District Bilaspur (CG)

---- Applicants

Versus

- State of Chhattisgarh, through Station Incharge, P.S. Kota, District Bilaspur (CG)

---- Non-applicant

For Applicants	:	Mr. Saurabh Dangi, Advocate
For Non-applicant	:	Mr. B.L.Sahu, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

24/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicants as they apprehend their arrest in connection with Crime No.331/2021 registered at Police Station Kota, District Bilaspur (CG) for commission of offence punishable under Sections 307 & 34 of IPC.
2. The prosecution story, in brief, is that on 10.6.2021 complainant Bhanupratap Marawi received a call on his mobile phone from applicant No.1 informing him that his brother by name Nilesh is fighting, he may come and make him understand. When the complainant was going towards the place where his brother is stated to have been fighting, applicant No.1 stopped him in front of his house and thereafter applicants and co-accused Anil Goswami assaulted complainant by means of knife, iron bangle and club as a result he sustained injuries on his neck and head. Incident took place at about 19:00 hrs, complaint was lodged in the concerned police station at 21:36 hrs, based upon which FIR is registered against applicants and co-accused Anil Goswami.
3. Mr. Saurabh Dangi, learned counsel for applicants submits

that incident took place in front of house of applicants. Complainant was the aggressor, he came to the house of applicants to quarrel with them. Injuries suffered by complainant are simple in nature. Genesis of quarrel was pendency of criminal case registered on the complaint of applicant No.1 against Shubham Bharti, one of the injured of incident in question, under Crime No.370/2020 in respect of incident dated 18.9.2020. Hence, applicants may be enlarged on anticipatory bail.

4. Mr. B.L. Sahu, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicants and submits that complainant was called by applicant No.1 on a false pretext and when he was passing through front of house of applicant No.1, all three accused persons stopped and assaulted him as a result he suffered injuries. He further referred to nature of injuries and submits that complainant received three incised wounds on his neck and one on head, hence applicants are not entitled to be released on anticipatory bail. On putting a specific question with regard to nature of weapons used in commission of crime by applicants or co-accused, he submits that as per allegation, applicant No.1 was armed with knife, applicant No.2 was armed with club and co-accused Anil Goswami was armed with iron bangle. He also submits that applicant No.1 had one criminal antecedent. Hence, the applicants are not entitled to benefit of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against applicant No.1, particularly the fact that he was armed with knife and the complainant suffered three incised wounds on his neck and one on head, I do not find it to be a fit case where **applicant No.1-Devendra Goswami** should be enlarged on anticipatory bail. **Accordingly, bail application of applicant No.1-Devendra Goswami is rejected.**
7. So far as bail application of applicant No.2-Lalita Goswami,

mother of applicant No.1, is concerned, considering the fact that incident occurred in front of house of applicants; as per allegation, applicant No.2 was armed with club and further considering that she is a woman, without commenting anything on the merits of case, I am inclined to grant anticipatory bail to **applicant No.2- Lalita Goswami**.

8. **Accordingly, the application of applicant No.2- Lalita Goswami is allowed** and it is directed that in the event of arrest of **applicant No.2- Lalita Goswami** in connection with the crime in question, she shall be released on anticipatory bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. **Applicant No.2- Lalita Goswami** shall also abide by the following conditions :
- (i) that she shall make herself available for interrogation before the Investigating Officer as and when required;
 - (ii) that she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him/her from disclosing such facts to Court or to any police officer;
 - (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that she shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-