

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6586 of 2021

1. Smt. Shanti Sahu W/o Ganesh Sahu Aged About 55 Years R/o Village- Bortara, Post- Gaadamor, P.S. And Tahsil- Navagarh, District- Bemetara (C.G.), District : Bemetara, Chhattisgarh
2. Urvashi W/o Heera Sahu Aged About 30 Years R/o Village- Bortara, Post- Gaadamor, P.S. And Tahsil- Navagarh, District- Bemetara (C.G.), District : Bemetara, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, P.S. Navagarh, District- Bemetara (C.G.), District : Bemetara, Chhattisgarh

---- Respondent

For Applicants	:	Shri Y.C. Sharma, Senior Advocate with Shri Ajay Chandra, Advocate
For Non-applicant	:	Shri Ashish Gupta, Panel Lawyer
For Objector	:	Shri Arvind Prasad, Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

01/11/2021

1. Applicants have filed this application under Section 439 of Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No. 141/2021 registered at Police Station- Navagarh, District- Bemetara (C.G.) for the offence punishable under Sections 294, 506-B, 323, 147, 148, 149 & 302 of IPC.
2. Case of the prosecution is that on 30.4.2021, Heera Sahu took the son of complainant along with him but did not return to his home for considerable time. Complainant- Satvantin went to house of

Heera, where she found son of Heera Sahu, she told him that her son was taken by his father and if anything happens with her son, Heera Sahu only will be responsible. Son of complainant returned to home at about 12 :00 in the night. After some time, Heera Sahu came to house of complainant, knocked the door and when complainant opened the door, he quarreled with her and gave blow with the club on her head and caused injury. Complainant along with her husband- Parasram Sahu, son- Rohit Sahu and others went to house of Sarpanch immediately in the night and intimated the incident, upon which, she was advised that she may lodge complaint against Heera Sahu of the alleged incident. When complainant was returning back to her home along with her family members, co-accused persons along with present applicants came on the way, abused and assaulted the complainant and his other family members. In the said assault, Parasram, husband of the complainant suffered grievous injury and died. The incident was reported to concerned police station on next day. Based upon which, aforementioned crime was registered against applicants and other co-accused persons.

3. Shri Y.C. Sharma, learned Senior Advocate appearing along with Shri Ajay Chandra submits that the applicants have been falsely implicated in this case. They have not participated in any manner in the commission of alleged crime as appearing from the statement of complainant herself recorded under Section 161 Cr.P.C. The allegation of assault is against male members who are the co-accused in the case. Co -accused Chandrika Bai was enlarged on bail on 5.8.2021 and case of the present applicants

are also on similar footing and hence, present applicants may also be enlarged on bail.

4. Shri Ashish Gupta, learned counsel for the State and Shri Arvind Prasad, counsel for the Objector jointly submits that the applicants along with other co-accused persons have assaulted complainant and her other family members with common intention. In the incident, Parasram, husband of complainant died. The applicants were also forming part of unlawful assembly with common intention along with other co-accused persons in committing offence, therefore, they are not entitled to grant of bail.
5. I have heard learned counsel for the parties.
6. The allegation of assault as appearing in the statement of complainant is against male members only who are co-accused in this case. The presence of the applicants along with co-accused Chandrika is mentioned in the FIR as well as statements. Co-accused Chandrika Bai has been granted bail vide order dated 5.8.2021 passed in MCRC No.3846 of 2021. The allegation against the applicants as well as Chandrika Bai are of similar nature. The applicants also stand on similar footing as of the co-accused-Chandrika Bai. The applicants are in jail since 1.5.2021. Considering the nature of allegation, statement of Satvantin Bai recorded under Section 161 Cr.P.C. without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on regular bail, upon each of them furnishing a bail bond in the sum of Rs.25,000/- with one local

surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen