

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8274 of 2020**

1. Smt. Urmila Bai W/o Late Shri Jagmohan Mirre Aged About 60 Years R/o Village Jhitkania, Police Station Fasterpur, Tehsil And District Mungeli Chhattisgarh
2. Smt. Sina Bai W/o Shri Lankeshwar @ Lankesh Aged About 25 Years R/o Village Jhitkania, Police Station Fasterpur, Tehsil And District Mungeli Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Fasterpur, District Mungeli Chhattisgarh

---- Respondent

For Applicants	:	Shri K.Rohan, Advocate
For State	:	Shri Praveen Shrivastava, Panel Lawyer
For Objector	:	Shri Ram Sajiwan, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/03/2021**

Heard.

1. The applicants have been arrested in connection with Crime No.95/2020 registered at Police Station – Fasterpur, District – Mungeli (C.G.) for alleged commission of offences under Section 147, 148, 149, 307, 294, 506, 323, 325, 324 read with Section 34 of IPC.
2. Prosecution case is that the applicants and co-accused formed unlawful assembly with common object to assault and kill the victims Krishna, Anish and Lakhani and in furtherance of that act, brutal assaults were made, due to which, Krishna sustained grievous injuries which, if not treated, could have resulted in death.
3. Learned counsel for the applicant would submit that the prosecution story as contained in the FIR and case diary, only shows that because of stoppage of bund and water clogging and removing blockage, a dispute arose on the spot and in that course of fight, an assault is alleged to have been given. Even according to Krishna, who is

alleged to have sustained grievous injury on the head, he was assaulted by another co-accused and not by the present applicants who are lady members of the accused who were incidentally present in the field and involved in agricultural activities. It is submitted that now investigation is complete and charge sheet has been filed, therefore, the applicants may be granted bail.

4. On the other hand, learned State counsel and counsel for objector would oppose prayer for bail by submitting that the dispute arose at the spot, the act of the present applicants and the other co-accused in immediately assaulting at the spot with weapons like crowbar, club and other agricultural equipments on Krishna, Anish and Lakhan *prima facie* shows intention to kill and they are involved with the aid of Section 149 IPC.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the background in which the incident is alleged to have happened and that Krishna is said to have sustained one single head injury which according to him was caused by another co-accused and not the present applicants, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) They shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge