

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3201 of 2015**

1. Ghanshyam Singh Nishad, S/o Late Premlal, Aged about 47 years.
2. Lal Nishad, S/o Late Amar Singh, Aged about 35 years.
3. Ramesh Kumar Nishad, S/o Latmar Nishad, Aged about 35 years.

All R/o Karanja, Bhilai, O.P. Jevra, P.S. Pulgaon, Tahsil and District Durg (C.G.)

---- Applicants

**Versus**

State Of Chhattisgarh Through: District Magistrate, Durg O.P. Jevra, P.S. Pulgaon, District Durg (C.G.)

---- Non-applicant

**MCRC No. 3407 of 2015**

Rewa Ram Nishad, Son of Bijju Nishad, aged about 53 years, R/o. Village Revalidih, Chowki Jevra, Sirsa, P.S. Pulgaon, District Durg (C.G.)

---- Applicant

**Versus**

State Of Chhattisgarh Through: District Magistrate, Durg O.P. Jevra, P.S. Pulgaon, District Durg (C.G.)

---- Non-applicant

**MCRC No. 3409 of 2015**

1. Mahendra Nishad, Son of Radheshyam Nishad, aged about 27 years.
2. Sudama Pardhi, Son of Ghanshyam Pardhi, aged about 30 years.
3. Sukhdev Nishad, Son of Late Dukhram Nishad, aged about 46 years

All R/o Village Karanja, Bhilai Chowki, Jewra Sirsa Police Station Pulgaon, Durg, Civil and Revenue District Durg (C.G.)

---- Applicants

**Versus**

State Of Chhattisgarh Through: District Magistrate, Police Station Pulgaon, District-Durg, Civil and Revenue District Durg (C.G.)

----Non-Applicant

And

**MCRC No. 3652 of 2015**

1. Lekh Ram Dhankar son of Komal Dhankar, aged about 22 years.
2. Ritesh Nishad son of Mannu Nishad, aged about 25 years.
3. Pintu @ Govind Nishad, son of Late Prahlad Nishad, aged about 26 years,
4. Topu @ Topuram Sahu, son of late Koduram Sahu, aged about 37 years,
5. Biru Nishad, son of late Mannu Nishad, aged about 28 years,

All R/o. Village Ravelidih, Chowki Jevara, Sirsa, P.S. Pulgaon, Tahsil and District Durg (C.G.)

---- Applicants

**Versus**

State Of Chhattisgarh Through: The District Magistrate, Durg . (C.G.)

----Non-applicant

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|-----------------------|----------------------------------------------------------------------|
| For Applicants:       | Shri Uttam Pandey, Advocate in M.Cr.C.<br>Nos. 3407/2015 & 3652/2015 |
| For Applicants:       | Smt. Kiran Jain, Advocate in M.Cr.C.<br>No.3201/2015                 |
| For Applicants        | Shri Jitendra Gupta, Advocate in M.Cr.C.<br>No. 3409/2015.           |
| For Respondent/State: | Smt. Anusuiya Rajput, Panel Lawyer                                   |

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**29/07/2015**

Heard.

(1) Above mentioned four bail applications filed under Section 439 of the Code of Criminal Procedure arise out of a common Crime No.244/2015, registered at Police Station O.P. Jevra, P.S. Pulgaon, District Durg, for the offences punishable under Sections 323, 294, 427, 436, 147 & 435 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that on account of motor accident on 6<sup>th</sup> May, 2015, a female child died and, thereafter, present applicants entered into Sita Refinery Mill Karanja Bhilai and damaged the vehicle and other articles kept therein and caused damage of ₹ 1,22,500/- and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the respective applicants would submit that there is one day delay in lodging the FIR; and the alleged seizure has been made after 30 days and, as such, they have falsely been implicated in the offence in question. He would further submits that the applicants are not named in the First Information Report; applicants are languishing in jail since 18.5.2015, 19.5.2015 & 30.5.2015, respectively and the charge sheet has already been filed and, therefore, the applicants may be released on bail.

(4) On the other hand, learned counsel for the State submits that the stones, which were used in the offence in question, have been seized from the applicants' possession; and they are guilty of damaging property of Sita Refinery Mill Karanja Bhilai and, therefore,

they are not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; further considering the role of the present applicants in the offence in question; and the facts that they are in jail since fairly long time; and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants – Ghanshyam Singh Nishad, Lala Nishad, Ramesh Kumar Nishad, Rewa Ram Nishad, Lekh Ram Dhankar, Ritesh Nishad, Pintu @ Govind Nishad, Topu @ Topuram Sahu, Biru Nishad, Mahendra Nishad, Sudama Pardhi & Sukhdev Nishad are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-  
(Sanjay K. Agrawal)  
Judge

D/-