

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3625 of 2015

Devcharan, S/o Chhotakuram Diwakar, aged about 42 years, R/o Village Ghogha, Police Station Bhatapara Gramin, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Simga, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.)

---- Non-applicant

For Applicants: Mr. Janak Ram Verma, Advocate.

For Non-applicant: Mr. Vivek Singhal, Panel Lawyer.

ANDMisc. Criminal Case No.3881 of 2015

1. Sahdev, aged about 35 years, S/o Shri Seetaram Satnami
2. Sukhchand @ Kekadu, aged about 30 years, S/o Shri Nanku Satnami
3. Bau @ Dharmendra, aged about 19 years, S/o Shri Lainu Ram Satnami

All are R/o Village Seepatar, Chauki Hathband, Police Station Simga, Civil and Revenue District Baloda Bazar (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Chauki Hathband, Police Station Simga, District Baloda Bazar (C.G.)

---- Non-applicant

For Applicants: Mr. S.R.J. Jaiswal, Advocate on behalf of Mr. H.S. Patel, Advocate.

For Non-applicant: Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/08/2015

1. Since both the applications are arising out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.135/2015, registered at Police Outpost Hathband, Police Station Simga, Distt. Baloda Bazar-Bhatapara, for the offence punishable under Sections 147, 186, 332 and 353 of the IPC.
3. Case of the prosecution, in brief, is that the applicants and other co-accused persons deterred the public servants from performance of their public duty and also used criminal force upon them by which 8 persons (police officers on duty) suffered simple injuries, and thereby committed the offence.
4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case. In fact, on 14-4-2015, in a truck accident, two persons namely Mohanlal Baghel and Sunil Diwakar died against which the mob protested demanding compensation for the families of the victims and for construction of speed breaker. The police party was not the aggrieved party. Charge-sheet has been filed. Applicant Devcharan is in jail since 15-4-2015. Applicants Sahdev, Sukhchand @ Kekadu and Bau @ Dharmendra are in jail since 4-6-2015.
5. On the other hand, learned State counsel opposes the bail applications.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicants, pre-trial detention of the applicants and the fact that charge-sheet has been filed, I am of the opinion that the applicants deserve to be released on regular bail. Accordingly, the applications are allowed.

8. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

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