

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4631 of 2015**

1. Jitendra Kumar Bandhe, S/o. Tekram Bandhe, aged about 20 years.
2. Chandra Kumar Bandhe @ Chandu, son of Bhuvaneshwar, aged about (not mentioned in the order)

Both are cultivator, resident of village Seetapar, Post Office Hathband, Police Station and Tahsil Simga, Civil and Revenue District Baloda Bazar-Bhatapara (CG)

---Applicants

Versus

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

---Non-applicant

For Applicants	:	Mr.Santosh Kumar Sahu, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/09/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.135/2015, registered at Police Station-Simga, District Baloda Bazar-Bhatapara (C.G.), for the offence punishable under Sections 147, 186, 332 and 353 of the IPC.

2. Case of the prosecution, in brief, is that the applicants and 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 aforesaid offence.

3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. 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 aggrieved party. Charge-sheet has been filed and the applicants are in jail since 13.7.2015.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants; pre-trial detention of the applicants, the fact that charge-sheet has already been filed and also the fact that bail was granted by this Court to co-accused Devcharan in M.Cr.C.No.3625 of 2015 vide order dated 11.8.2015, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants shall 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 trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-