

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6554 of 2015

- 1. Shankar Rathiya S/o Mukit Rathiya Aged About 42 Years
Occupations Agriculture R/o Village Hardi Jhariya, P.S. Tamnar Distt. Raigarh, C.G.
- 2. Manoj S/o Mukit Rathiya Aged About 30 Years Occupation
Agriculture, R/o Village Hardi Jhariya, P.S. Tamnar, District Raigarh, Chhattisgarh
- 3. Nilamber S/o Chamru Rathiya Aged About 32 Years Occupation
Agriculture, R/o Village Hardi Jhariya, P.S. Tamnar, District Raigarh, Chhattisgarh
- 4. Patiram S/o Nanki Rathiya Aged About 55 Years Occupation
Agriculture, R/o Village Hardi Jhariya, P.S. Tamnar, District Raigarh, Chhattisgarh

---- Petitioners

Versus

- State of Chhattisgarh Through The Station House Officer Police
Station Tamnar Civil & Revenue District-Raigarh (Chhattisgarh)

---- Respondent

MCRC No. 6558 of 2015

- 1. Shankar S/o Mukit Rathiya, Aged About 42 Years Occupation
Agriculture, R/o Village Hardi Jhariya, P.S. Tamnar, District Raigarh, Chhattisgarh
- 2. Manoj S/o Mukit Rathiya, Aged About 30 Years Occupation
Agriculture, R/o Village Hardi Jhariya, P.S. Tamnar, District Raigarh, Chhattisgarh
- 3. Nilamber S/o Chamru Rathiya, Aged About 32 Years Occupation
Agriculture, R/o Village Hardi Jhariya, P.S. Tamnar, District Raigarh, Chhattisgarh
- 4. Patiram S/o Nanki Rathiya, Aged About 55 Years Occupation
Agriculture, R/o Village Hardi Jhariya, P.S. Tamnar, District Raigarh, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Tamnar, Civil & Revenue District- Raigarh, Chhattisgarh

---- Respondent

For the applicants	:	Mr. Manoj Jaiswal, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.12.2015

1. These are two bail applications filed u/s 439 of the Code of Criminal Procedure registered at P.S. Tamnar District Raigarh Chhattisgarh. M.Cr.C.No.6554 of 2015 is relating to Crime No.204/2015 for the offences punishable u/ss 147, 148, 149, 427, 294, 506, 323, 353, 332, 186, 34 IPC whereas M.Cr.C.No. 6558/2015 is relating to Crime No.203/2015 for the offence punishable under Section 365/34 IPC.
2. Since the applicants are involved in both the offences arising out of the same incident, the above two bail applications are decided together by this common order.
3. As per the prosecution case, the applicants on 03.01.2015 kept Arjun, Dhanuhar, Minketan, Girdhari and others in captivity and abducted them for which a report was made and thereafter, when the police team reached the spot for investigation, the applicants alongwith other villagers entered into altercation with the Police Officers, abused and assaulted the police team and also caused damage to their Jeep whereby the Police was prevented from discharging their official duty. Crime No.203/2015 was registered for the offence of abduction under Section 365/34 IPC whereas Crime No.204/2015 was registered u/ss 147, 148, 149, 427, 294, 506, 323, 353, 332, 186, 34 IPC for committing assault or preventing the force from discharge the duty.
4. Learned counsel for the applicants submits that the charge sheets in both the cases have been filed and the applicants have been falsely implicated. It is further stated that the applicants being simply residents of village have been arrested and no further investigation is necessary, therefore

the applicants may be enlarged on bail.

5. Per contra learned State counsel opposes the bail.
6. Perused the diaries of both the crimes. Charge sheets have been filed in both the cases.
7. Having considered the fact that the charge sheets in these cases have been filed and number of arrests have been made and further considering the fact that the offences are triable by the JMFC ; the entire evidence has already been collected and looking to the gravity of offence and the manner in which the incident happened and further considering the fact that the applicants are in jail since 07.10.2015, I am inclined to enlarge them on bail.
8. Accordingly, M.Cr.C.No.6554/2015 and M.Cr.C.No.6558/2015 are allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall appear before the trial court as and when directed by the said Court.
9. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**