

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3447 of 2015**

1. Arti Vaishnav w/o. Bhupendra Vaishnav, aged about 36 years, r/o. Post Office Road, Kharsiya, Tahsil – Kharsiya, P.S. Kharsiya, Civil & Revenue District Raigarh (CG).
2. Bhupendra Vaishnav s/o. D.D. Vaishnav, aged about 40 years, r/o. Post Office Road, Kharsiya, Tahsil Kharsiya, P.S. Kharsiya, Civil & Revenue District Raigarh (CG)

---- Applicants**Versus**

1. State of Chhattisgarh, Through Station House Officer, Police Station Ajak, District Raigarh (CG).

---- Respondent

For Applicants	:	Mr. Awadh Tripathi, Advocate.
For Respondent/State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice I.S. Uboweja**Order on Board****26/08/2015**

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 22-6-2015 in connection with crime No. 06 of 2014 registered at Police Station Ajak, District Raigarh (CG), for the offence punishable under Sections 147, 294, 506, 323, 395, 354 and 452 of IPC and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The case of the prosecution, in brief, is that on 8-3-2014 present applicants along with other co-accused persons entered the house of complainant namely Smt. Krishna Khatik, abused her by caste, assaulted her and looted a sum of Rs.1820/- from her purse and thereby they committed the aforesaid offence.

3. Learned counsel appearing for the applicants would submit that the applicants have not committed any offence and have been falsely implicated in the case. Complainant was an aggressor party. He would further submit that applicant No.1 - Arti Vaishnav also lodged a report against the husband of the complainant and one Bharat Rathore including 4-5 other persons, on the basis of which offences under Sections 294, 452, 354, 34, 506 of IPC have been registered against them which is a subject matter and thereafter as a counter blast, complainant lodged a report against the present applicants. He would further submit that charge-sheet has been filed, the applicants are in jail since 22-06-2015 and no further custodial interrogation of the present applicants is required by the prosecution, therefore, they may be released on bail.
4. *Per contra*, learned State counsel opposed the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances of the case, nature of allegations levelled against the applicants, charge-sheet has been filed, pre-trial detention of the applicants and further taking into consideration that the applicant No.1 has also lodged a report in the Police Station against the complainant party which is a subject matter, I am of the considered opinion that *prima facie* it is a fit case where the applicants can be released on bail.
7. Accordingly, the application is allowed. It is ordered that the applicants Smt. Arti Vaishnav and Bhupendra Vaishnav shall be released on bail on each of them furnishing a personal bond of Rs.10,000/- along with one surety of the like amount to the satisfaction of the trial Court. They shall

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/-
(I.S. UBOWEJA)
Judge

Raju