

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4563 of 2015**

1. Kaushal Prasad S/o Reemu, aged about 35 years,
2. Sandip Banjare S/o Dileshwar, aged about 21 years,
3. Rohit Banjare S/o Pitambar aged about 25 years
4. Parmanand Banjare S/o Bhagwat, aged about 20 years
5. Sampat Banjare S/o Reemu, aged about 40 years

All are R/o Village-Hardi (Mohalla - Boirdeeh), Tahsil-Sakti, Police Station – Sakti, Civil and Revenue District – Janjgir-Champa (CG)

---Applicants**Versus**

State of Chhattisgarh, Through – District Magistrate/Station House Officer, Police Station-Sakti, District – Janjgir-Champa (CG)

---Non-applicant

For Applicants	:	Mr. Dharmesh Shrivastava, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/09/2015**

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.22/2015, registered at Police Station-Sakti, District-Janjgir Champa (C.G.), for the offence punishable under Sections 147, 148, 149, 294, 506-B, 336, 186, 332, 353 & 427 of the IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984.

2. Case of the prosecution, in brief, is that the applicant and other co-accused persons entered into the polling booth and disrupted process of election and when the patrolling party reached there, the accused persons

pelted stone over them by which members of police party sustained 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. He would further submit that they have been involved in the incident only on the ground of suspicion as they belong to rivalry political group. He would also submit that the officials who are interested with the election duty and members of the polling party have not named the applicants in the F.I.R., but they have falsely been implicated in crime in question, they are in jail since 7.8.2015 and 19.8.2015 respectively and charge-sheet has already been filed, therefore, they may be enlarged on bail.

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, their pre-trial detention and the fact that anticipatory bail was granted by this Court to co-accused Bhoj Ram Banjare in M.Cr.C.(A) No.522 of 2015 on 3.8.2015, 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 **Kaushal Prasad, Sandip, Rohit Banjare, Parmanand Banjare and Sampat Banjare** 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/-