

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6117 of 2015

1. Rudra Pratap Kushwaha S/O Mannu Ram Kushwaha Aged About 50 Years R/O Village Dhaneshpur, Police Station Surajpur, District Surajpur Chhattisgarh (Wrongly Mentioned As District Ramanuj Nagar In Order Sheet)
2. Murari Kushwaha S/O Mannuram Kushwaha Aged About 45 Years R/O Village Dhaneshpur, Police Station Surajpur, District Surajpur Chhattisgarh (Wrongly Mentioned As District Ramanuj Nagar In Order Sheet),
3. Panna Lal @ Sanju S/O Murari Lal Aged About 19 Years R/O Village Dhaneshpur, Police Station Surajpur, District Surajpur Chhattisgarh (Wrongly Mentioned As District Ramanuj Nagar In Order Sheet),

--- **Petitioners**

Versus

4. State Of Chhattisgarh Through : Station House Officer, Police Of Police Station Surajpur, District Surajpur Chhattisgarh

---- **Respondent**

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MCRC No. 6120 of 2015

1. Vijay Singh S/O Budhram Aged About 43 Years R/O Village Dhaneshpur, Police Station Surajpur, Civil District Surguja, Rev. Distt. Surajpur Chhattisgarh.
2. Jaipal S/O Mohan Singh Aged About 27 Years R/O Village Dhaneshpur, Police Station Surajpur, Civil District Surguja, Rev. Distt. Surajpur Chhattisgarh.
3. Chandrabhan S/O Amarsay Aged About 58 Years R/O Village Dhaneshpur, Police Station Surajpur, Civil District Surguja, Rev. Distt. Surajpur Chhattisgarh.
4. Jagmohan S/O Dhaniram Aged About 45 Years R/O Village Dhaneshpur, Police Station Surajpur, Civil District Surguja, Rev. Distt. Surajpur Chhattisgarh.
5. Bhola S/O Hridaynath Aged About 53 Years R/O Village Dhaneshpur, Police Station Surajpur, Civil District Surguja, Rev. Distt. Surajpur Chhattisgarh.
6. Akhilesh S/O Ramnihor Aged About 35 Years R/O Village Dhaneshpur, Police Station Surajpur, Civil District Surguja, Rev. Distt. Surajpur Chhattisgarh.

Petitioners

Versus

7. State Of Chhattisgarh through Station House Officer, Police of Police Station Surajpur, District Surajpur Chhattisgarh.

---- **Respondent**

For the applicants	:	Mr. Vimlesh Vajpai Advocate
For the Respondent	:	Mr. Vivek Singhal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.11.2015

1. These are two bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.262 of 2015 registered at P.S.Surajpur, Distt. Surajpur (C.G) for the offence punishable under Sections 147, 148, 149, 294, 506-B, 427, 436 of IPC.
2. Since both these applications are relating to the same crime number, they are being decided together.
3. As per the prosecution case, on 06.07.2015 a report was lodged by Babulal Gond that out a dispute broke out between the complainant party and accused applicants Murari Kushwaha & Rudra Pratap Kushwaha, the accused stormed and intruded into the house of the complainant and thereafter set it on fire, thereby the applicants have committed the offence.
4. Learned counsel for the applicants submits that the dispute arose out of previous enmity about the land and a false report has been made against them since prior to this incident, wife of applicant Murari Kushwaha was seriously assaulted by the complainant party. He would submit that Panchnama which is placed on record would show that the house which is said to be set on fire wherein Babulal was not residing which would be evident from the statements of Sarpanch and other witnesses of the village. He further

submits that the charge sheet in this case has been filed and the applicants may be enlarged on bail.

5. Per contra, learned state Counsel oppose the bail and submits that according to the statement of the complainant, the applicants have committed offence.
6. Having regard to the statements of complainant and other witness namely Jagmohan, s/o Sahdev Singh wherein the primary allegations are levelled against applicants Rudra Pratap and Murari Kushwaha whereas general allegations are attributed to the other applicants, I am not inclined to release the accused applicants Rudra Pratap Kushwaha and Murari Kushwaha. Accordingly, their bail application of Rudra Pratap Kushwaha and Murari Kushwaha is rejected.
7. So far as it relates to other applicant Panna Lal @ Sanju in M.Cr.C. No. 6117/2015 and applicants Vijay Singh, Jaipal, Chandrabhan, Jagmohan, Bhola, Akhilesh in M.Cr.C.No. 6120/2015, only general allegations are attributed to them. Therefore, I am inclined to release them on regular bail.
8. Accordingly, the bail applications of Panna Lal @ Sanju, Vijay Singh, Jaipal, Chandrabhan, Jagmohan, Bhola, Akhilesh are allowed and they are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the 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