

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5789 of 2015

1. Bihari Sahu @ Ramesh Sahu, S/O. Tiharu Sahu, Aged About 40 Years
2. Rajesh Tamboli, S/O. Bhagwati Prasad Tamboli, Aged About 40 Years
3. Omprakash Nirmalkar, S/O. Babulal Nirmalkar, Aged About 30 Years,

All are R/O Village Chhatouna, Hirri, Tahsil Takhatpur, District Bilaspur
Chhattisgarh

----Applicants

Versus

1. State Of Chhattisgarh, Through : Police Station Incharge, AJAK,
Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Devesh Chandra Verma, Advocate
For Respondent/State	: Mr. Om. P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2015

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.6/2010, registered at Police Station – AJAK, District Bilaspur (C.G.) for the offence punishable under Section 147, 294, 323, 506B of I.P.C. and Section 3 (1) (x) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocity) Act, 1989.
2. Case of the prosecution, in brief, is that the applicant No.1, Bihari Sahu @ Ramesh won the election for the post of Up-Sarpanch of village Chhatouna and in celebration they have organized a rally and when

they reached near house of the complainant, the applicants have started abusing and using filthy language to the complainant on his caste. Thereafter, on report the offence was registered against the applicants.

3. Learned counsel for the applicants would submit that due to political rivalry the report has been made. He would further submit that earlier an anticipatory bail application was preferred, wherein by order of this Court, the applicants have surrendered before the Trial Court and after their surrender, the applicants have been taken into custody. He would further submit that out of 16 accused persons, 7 accused persons have been granted bail by the Trial Court itself. He would further submit that under the similar situated facts, this Court was granted anticipatory bail in respect of the similar crime when the report was lodged by the different complainant in MCRCA No.656/2015. He would further submit that the father of the applicant No.2, Rajesh Tamboli is critically ill and he is in a deathbed and therefore, he prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that other similar accused persons have been enlarged on bail by the learned Trial Court.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the fact that the charge sheet has been filed and the similar accused persons have been enlarged on bail by the Trial Court, itself, this Court is of the opinion that present is a 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/- - 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/-
(Goutam Bhaduri)
Judge

Balram