

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.379 of 2016

1. Tulsi, S/o Shyamlal Yadav, aged about 40 years.
2. Ishwar Prasad, S/o Bhajan Khatkar, aged about 30 years.
3. Jethu Ram, S/o Ajuram Khunte, aged about 29 years.
4. Mitthu, S/o Ajuram Khunte, aged about 22 years.
5. Jagram, S/o Mahadev Sahu, aged about 30 years.
6. Damodar Verma, S/o Rammilan Verma (wrongly mentioned as Ramkhilawan Verma), aged about 33 years.
7. Rajkumar, S/o Murit Ram Jaiswal, aged about 28 years.
8. Jajju, S/o Devram Ratre, aged about 22 years.
9. Ram Prasad @ Bade Manjhla, S/o Sonsay, aged about 30 years.

All are R/o Village Sukli, Police Station Gidhour, Out Post Girodhpuri, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.).

10. Ramkripal @ Banul, S/o Chhotu, aged about 29 years, R/o Village Bareli, Police Station Gidhour, Out Post Girodhpuri, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.).

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station Gidhour, District Baloda Bazar-Bhatapara (C.G.)

---- Non-applicant

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| For Applicants:    | Mr. Anil Gulati, Advocate.                  |
| For Non-applicant: | Mr. Dheeraj Kumar Wankhede, Govt. Advocate. |

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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/02/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.173/2015, registered at Police Station Gidhour, Distt. Baloda Bazar-Bhatapara, for the offence punishable under Sections 186,

332, 353, 294, 225, 147 and 148 read with Section 149 of the IPC.

2. Case of the prosecution, in brief, is that in the intervening night of 16-10-2015 and 17-10-2015, forest guards were on patrolling duty, they saw that from 374 Mahkoni Forest, Sagon plants were being stolen and 15-16 persons were intercepted, at that time, Anupam Sahu, Khikram Kalar, Lilaram and 13 other persons objected to it and assaulted forest guard Bhuneshwar Prasad Verma, and thereby committed the offence.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have been falsely implicated in the case. All the evidence has been collected and the applicants are in jail since 17-11-2015. Injuries as alleged are simple in nature, therefore, the applicants may be enlarged on bail.
4. On the other hand, learned State counsel would oppose the application.
5. I have heard learned counsel for the parties and gone through the case diary. Charge-sheet has been filed in this case.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, charge-sheet has already been filed, taking into account the degree of allegations and nature of injury, I am of the view that it is a fit case to grant bail to the applicants. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants 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 Court for their appearance as and when directed.

Sd/-  
(Sanjay K. Agrawal)  
Judge