

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 883 of 2016**

Ghanshyam Rathore, son of Shri Sunil Rathore, aged about 28 years, resident of Village Pakriya, Police Station Gourela, Tehsil Pendraroad, Civil and Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through : Station House Officer, Police Station Pendra, District Bilaspur (C.G.)

-----Non-applicant

MCRC No. 787 of 2016

Dhiraj Rathor, S/o-Baidraj Rathor, aged 27 years, Caste-Rathore, R/o – Girvar, P.S.- Gourela, Distt. Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through : Station House Officer, Police Station : Gourela, Distt – Bilaspur (C.G.)

-----Non-applicant

For Applicant: Mr. Ashok Soni, Advocate in M.Cr.C. No.883/2016.

For Applicant: Mr. V.C. Ottalwar, Advocate in M.Cr.C. No. 787/2016.

For Non-Applicant/State: Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

08/03/2016

(1) Above mentioned two bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No.403/2015, registered at Police Station Gourela, Distt. Bilaspur (C.G.), for the offences punishable under Section 294,506-B,186, 353, 333 & 307/34 of the Indian Penal Code , therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that applicants assaulted the police party by stone & wooden chair by which three constables suffered grievous injuries, which were sufficient to cause their death.

(3) Counsel for the applicants submits that they have been falsely implicated in the offence in question as they have not committed any offence. He further submits that the applicants are in jail since 25.12.2015; the charge sheet has already been filed; they have no criminal antecedents and they shall abide by all the terms and conditions imposed upon them while granting bail to them and the injuries suffered by the victims are simple in nature and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicants in the offence in question; further considering their pre trial detention and the charge sheet has already been filed and no custodial interrogation is required; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicants – **Ghanshyam Rathore & Dhiraj Rathore** are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

