

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1535 OF 2016**

1. Deraha Banjare S/o Late Shri Kunjan Banjare aged about 26 years
2. Bhojram @ Bhoju Banjare S/o Shri Mohan Banjare aged about 20 years
3. Mohan Banjare S/o Late Shri Kunjan Banjare aged about 36 years
4. Bhagwan Das @ Bhagwani S/o Late Shri Kunjan Banjare (wrongly mentioned Late Shri Kun Banjare) aged about 38 years
5. Vishal Banjare S/o Shri Bhagwan Das Banjare aged about 19 years

All R/o Ganesh Nagar Chuchuhiyapara Police Station
Sirgitti Tahsil Bilaspur Civil and Revenue District Bilaspur
C.G.

---Applicants**Versus**

State of Chhattisgarh, Through the Station House Officer
Police Station Sirgitti (wrongly mentioned through the
District Magistrate Bilaspur) Civil and Revenue District
Bilaspur C.G.

---Non-applicant

For Applicants	: Mr. Parasmani Shriwas, Advocate
For Non-applicant	: Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/03/2016**

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. 337/2015, registered at Police Station Sirgitti District Bilaspur (C.G.), for the offence punishable under Sections 452, 294, 323, 506, 147, 148, 149, 458, 324, 326, 307 of IPC.
2. Case of the prosecution, in brief, is that, on 10/11/2015 the crackers were being burned, at that time dispute arose in between complainant and the applicants and other co-accused persons. Consequently, it is alleged that applicants entered into the house of complainant and thereafter assaulted the family members of the complainant and the persons who tried to intervene were also assaulted. Thereafter, on report of the complainant, case was registered.
3. Learned counsel for the applicants would submit

that applicants have not committed any offence and have been falsely implicated in the offence in question. He would further submit that co-accused persons have already been granted regular bail by coordinate Bench of this Court by order dated 19/01/2016 in M.Cr.C. No.7790/2015. He would lastly submit that charge sheet has been filed and applicants are in jail since 13/11/2015, therefore, they may be released on bail.

4. Learned counsel for the State would oppose the prayer for grant of bail.

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 and further taking into consideration the nature and gravity of offence, role of the applicants No.1 & 2 and material available against them, this Court is not inclined to release the applicants No.1 & 2 on regular bail. Accordingly, bail application filed on behalf of applicants No.1 & 2- Deraha Banjare and Bhojram @ Bhoju Banjare is rejected.

7. So far as the bail application filed on behalf of applicants No.3 to 5 is concerned, role of applicants No.3 to 5; material available against them; their pretrial detention; charge sheet has already been filed and particularly the fact that co-accused persons have already been enlarged on regular bail, this Court is of the opinion that present is the fit case, in which, the applicants No.3 to 5 should be enlarged on regular bail. Accordingly, the bail application filed on behalf of applicants No.3 to 5 is allowed.

8. It is directed that applicants No.3 to 5, namely, Mohan Banjare, Bhagwan Das @ Bhagwani and Vishal 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