

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7648 of 2015

1. Sandeep Kumar, S/o. Ramkumar Rathore, Aged About 27 Years, Profession Engineer, R/o. Gram & Thana Saragaon, Haal Mu. Vardha Power Plant, Akaltara, Thana Akaltara, Distt. Janjgir-Champa, Chhattisgarh.
2. Digvijay, S/o. Har Prashad Rathore, Aged About 30 Years, Profession Business, R/o. Gram & Thana Saragaon, Distt. Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the District Magistrate, Janjgir,
Distt. Janjgir- Champa, Chhattisgarh

---- Respondent

For Applicants : Mr. Sandeep Singh, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2016

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.352/2015, registered at Police Station– Baradwar, District– Janjgir-Champa (C.G.) for the offence punishable under Section 353, 186, 332, 147, 148 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 10.11.2015, because of a road accident, the relative of the applicants died and the applicants along with others closed national highway and demanded the compensation but the police intervened and therefore, scuffle took place.

3. Learned counsel for the applicants would submit that there is no intention of the applicants and for the accident crowd had gathered and the other people among the crowd they have done the act and the applicants who lost his relative have been inculpated and the applicants are in jail since 21.11.2015. He would further submit that similarly placed co-accused has been enlarged on bail in M.Cr.C. No. 6884/2015 vide order dated 14.12.2015, therefore, the present applicants may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, after verification he do not dispute the fact that the similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and the manner in which the offence is committed, considering the gravity of the offence and the fact that the applicants are in jail since 21.11.2015 and further taking in to the fact that the similarly placed co-accused has been granted bail, I am inclined to release the applicants on 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/- with one surety each 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