

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2513 of 2016

1. Vishnu Vishwakarma S/o Arjun Vishwakarma Aged About 18 Years R/o Ward No. 4, Lavan, Thana Kasdol, District Balodabazar Bhatapara CG
2. Dinesh @ Lalu Sahu S/o Laxman Sahu Aged About 24 Years R/o Ward No. 4, Lavan, Thana Kasdol, District Balodabazar Bhatapara Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station Incharge, Aarkshi Kendra Kasdol,
District Balodabazar Bhatapara Chhattisgarh

---- Non-applicant

MCRC No. 2521 of 2016

Gopal Sahu S/o Banshilal Sahu Aged About 36 Years R/o Ward No. 10,
Lavan Chowki, Police Station Kasdol, District Baloda Bazar Bhatapara,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Lavan Chowki, Police Station Kasdol,
District Baloda Bazar Bhatapara, Chhattisgarh.

---- Non-applicant

MCRC No. 2522 of 2016

Keju Ram S/o Tiharu Gendre Aged About 25 Years R/o Village Lanja, Police
Station Kharora, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Lavan Chowki, Police Station Kasdol,
District Baloda Bazar Bhatapara, Chhattisgarh.

---- Non-applicant

MCRC No. 2532 of 2016

1. Kishore Banjare S/o Devdas Banjare Aged About 19 Years
2. Rajendra Dhritlahre S/o Kanshiram Dhritlahare Aged About 18 Years
3. Raju Barwe S/o Gorilal Aged About 35 Years
4. Bhagela Dhritlahare S/o Vishram Dhritlahare Aged About 60 Years
5. Roshan Sen S/o Suresh Sen Aged About 19 Years

All R/o Village And Chooki Lavan Police Station Kasdol, District Baloda Bazar -
Bhatapara Chhattisgarh Pin 492112

---- Applicants

Versus

State Of Chhattisgarh Through Chooki Lavan Police Station Kasdol, District
Baloda Bazar - Bhatapara Chhattisgarh

---- Non-applicant

MCRC No. 2953 of 2016

1. Porabai Dhruw W/o Shri Dukhram Dhruw Aged About 30 Years

2. Manharan Dhruw S/o Shri Kartikram Dhruw Aged About 38 Years

Both R/o Ward No. 06 Village And Chauki Lavan Police Station Kasadol,
District Baloda Bazar - Bhatapara Chhattisgarh Pin 492112.

---- Applicant

Versus

- State Of Chhattisgarh Through Chowki Lavan Police Station Kasadol,
District Baoda Bazar - Bhatapara Chhattisgarh.

---- Non-applicant

Applicant/s by : Mr. Sumit Shrivastava, Adv. (in MCRC No. 2513/2016)
Mr. Vijay Deshmukh, Adv. (in MCRC No. 2532/2016 &
MCRC No. 2953/2016)
Mr. Sanjeev Das, Adv. (in MCRC No. 2522/2016 & MCRC No.
2521/2016)

Non-applicant by Mr. Ramakant Mishra, Dy. Adv. General.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

1-6-2016

Heard.

As above MCRC No. 2513/2016, MCRC No. 2521/2016, MCRC No. 2522/2016, MCRC No. 2532/2016 and MCRC No.2953/2016 arise out of same Crime No. 7/2016 registered in PS Kasdol, Distt. Baloda Bazar Bhatapara, they are being disposed of by this common order.

The applicants have been arrested on 2nd/3rd of January, 2016 in connection with Crime No. 7/2016 registered in Police Station Kasdol, Distt. Baloda Bazar Bhatapara for offence punishable under Sections 147, 148, 149, 452, 186, 307, 477, 332, 436, 336, 333, 353, 450 of the Indian Penal Code and Sections 3, 4 and 5 of the Prevention of Damage to Public Property Act.

Case of the prosecution is that on 2-1-2016, an accident happened in which a girl died near bus stand Lavan. This resulted in public outrage and it is alleged that the applicants which also include relatives of the girl entered into police station, pelted stones and also caused injuries to police personnel. It is also alleged that public property and public documents were also damaged.

Learned counsel for the applicants submits that the applicants have not committed any offence and it is a case of false implication. It is submitted that the applicants were only present at the spot and they individually did not cause any injury to anyone but being part of crowd, they have been included. It is lastly

submitted that investigation is complete and charge sheet has already been filed. They are in jail since 2nd/3rd of January, 2016. It is also submitted that bail application of co-accused Pappu Kumar Anant (MCRC NO. 2298/2016) under the same crime has been allowed by this Court vide order dated 10-5-2016.

On the other hand, learned counsel for the State opposes the prayer for grant of bail by submitting that the applicants have damaged public document and public property. Police personnel were also attacked.

Having perused the case diary and taking into consideration the nature of injury, and further taking into consideration the background of the incident and further that investigation is complete and charge sheet has been filed and further detention of the applicants does not appear to be necessary, each application is allowed.

It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the concerned trial court for their appearance as and when directed.

Sd/-

Manindra Mohan Shrivastava
Vacation Judge