

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2927 of 2016

1. Satya Narayan Yadav, S/o. Sahdev Yadav, aged about 50 years,
2. Tripurary Yadav, S/o. Satya Narayan Yadav, aged about 35 years,
3. Sukhdev Yadav, S/o. Shri Sarju Prasad Yadav, aged about 27 years,
4. Parmeshwar Yadav, S/o. Tribhuwan Yadav, aged about 40 years
5. Chandra Prakash Sonwani, S/o. Moti Ram, aged about 36 years

All R/o. Village-Narmadapur, P.S. - Kamleswarpur, Tahsil-Mainpath, District-Surguja (C.G.)

6. Gopal Yadav, S/o. Devnandan Yadav, aged about 42 years, R/o. Baigwaha, P.S. - Kamleswarpur, Tahsil-Mainpath, District-Surguja.
7. Triloki Yadav, S/o. Late Thakur Prasad Yadav, aged about 42 years, R/o. Village-Kamanraja, P.S. - Kamleswarpur, Tahsil – Mainpath, District-Surguja.

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station - Kamleswarpur, District – Surguja (Chhattisgarh)

---- Respondent

AND

M.CR.C. No. 2936 of 2016

1. Anil Singh, S/o. Prabhunath Singh, aged about 36 years,
2. Prakash Singh (wrongly mentioned as Prakash Ram), S/o. Prabhunath Singh, aged about 38 years,
3. Kalu Singh, S/o. Parmanand Singh, aged about 24 years,
4. Kamlesh Singh (wrongly mentioned as Kamleshwar), S/o. Krishnandan Singh, aged about 36 years,

All are R/o. Village-Narmadapur, Police Station – Kamleshwarpur, Tahsil- Mainpat, District-Surguja (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : S.H.O. - Police of Station - Kamleshwarpur, District – Sarguja (Chhattisgarh)

---- Respondent

For Applicants	:	Mr. Manoj Paranjpe, Mr. Rahul Mishra & Mr. A.K. Yadav, Advocate
For Respondent/State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/06/2016

1. These are the first bail applications 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.8/2015, registered at Police Station – Kamleshwarpur, District – Sarguja (C.G.) for the offence punishable under Section 186, 353, 332 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 23.02.2015 while the election of Upsarpanch of village Narmadapur was going on, some dispute took place and the complainant Shankar Lal Sinha was beaten by the present applicants, which was seen by Sikandar. Initially Sikandar had named only Nageshwar Yadav against whom, the charge-sheet was filed and on 13.10.2015 he was bailed out, thereafter, in the statement under Section 164, names of applicants were divulged therefore, offence was registered.
3. Learned counsel for the applicants submits that initially the name of the applicants did not appear in the FIR, subsequently, they have been falsely implicated after statement U/s.164 of Cr.P.C. and bailable

warrant was issued and when they appeared, they were arrested. He further submits that charge-sheet in this case has been filed and the applicants are in jail since 02.03.2016 , therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case and taking into the fact that earlier charge-sheet was filed against Nageshwar Yadav and name of the applicants were subsequently added after consideration of statement under Section 164 Cr.P.C. and further taking into the fact that the applicants are in jail since 02.03.2016, I am inclined to release the applicants on bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are 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