

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5545 of 2016

1. Santosh Kumar Dhruw S/o Prem Singh Dhruw, Aged About 42 Years,

2. Bhajan Khadiya S/o Bhikhari Khadiya, Aged About 45 Years, Caste – Khadiya,

Both are R/o Village - Banpachri, Police Station - Patewa, District - Mahasamund Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station - Patewa, District - Mahasamund Chhattisgarh

---- Respondent

For applicants - Shri Vikash Pradhan, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/09/2016

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.132/2016 registered in Police Station Patewa, District Mahasamund (C.G.) for offence punishable under sections 294, 323, 506, 34, 186, 332, 353 of Indian Penal Code.

2. As per the prosecution case, a report was made by one Anant Kumar Yadav on 3/08/2016 that applicant No.1 Santosh Kumar Dhruw who is Panch along with villagers went to the Secretary of Panchayat of village Banpanchri and demanded the remaining amount which was given by them for construction of toilet as the first installment of Rs.6000/- was given for construction of toilet, therefore the altercation started in between the parties and the report was made.

3. Learned counsel for the applicants submits that on the trivial issue report has been made, no actual offence has been committed by the applicants, therefore the applicants may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and

would submit that 24 cases are to the credit of the applicant No.1 Santosh Kumar Dhruw under the different preventive sections of Cr.P.C as also under different sections of IPC. He further submits that in respect of applicant No.2 Bhajan Khadiya no previous antecedents have been reported.

5. Perused the case diary. Considering the facts and circumstances of the case, in respect of applicant No.1, Santosh Kumar Dhruw taking into past antecedents as many as 24 cases are to the credit of the applicant No.1 as per the list submitted which is enclosed in the case diary, this court is not inclined to release applicant No.1, Santosh Kumar Dhruw on bail.

6. Accordingly, bail application in respect of applicant No.1, Santosh Kumar Dhruw is dismissed.

7. However, in respect of applicant No.2 Bhajan Khadiya considering the facts and circumstances of the case, charge sheet has been filed and no past antecedents have been reported against him, this court is inclined to release **applicant No.2 Bhajan Khadiya** on bail.

8. Accordingly, the bail application in respect of **applicant No.2 Bhajan Khadiya** is allowed and it is directed that the applicant No.2 shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE