

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6149 of 2016

- Dheeraj Jaiswal S/o Sachitanand Jaiswal Aged About 35 Years
(Wrongly Mentioned In The Rjection Order As Sachidanand Jaiswal)
R/o Namnakala, Ambikapur, District Sarguja, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police
Station A J A K, Ambikapur, District Sarguja, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Jitendra Shrivastava, Advocate
For the Respondent	:	Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.10.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 137 of 2016 registered at P.S. AJAK, Ambikapur, Distt. Sarguja (C.G) for the offence punishable under Sections 294, 506, 323, 354(A), 459, 342, 427 read with section 34 of IPC and Sections 3(1) (x) & 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, earlier a dispute arose between complainant Santoshi Rajan and the applicant, for which a report was lodged by Santoshi Rajan against the applicant. On 06.06.2016, the complainant alongwith her son Dwijesh Markam went to Police Station to enquire about the said report where the applicant was also present for giving his statement. Thereafter while she came back to her house

alongwith her son, it was found that the applicant alongwith others have already occupied the house by breaking open the lock. On arrival of the complainant to her house, the accused who were already present in her house assaulted and abused the complainant and her son Dwijesh Markam by caste and thereafter, the complainant rescued herself and tried to run away. At that time when Ravi Maravi, the relative of complainant came to her rescue, Ravi Maravi was also assaulted by the applicant's party whereby he sustained grievous injuries.

3. Learned counsel for the applicant submits that now the charge sheet has been filed and the earlier bail application was dismissed on 20.07.2016 on the ground that the investigation was going on. He further submits submit that the applicant has also made a report against the complainant and the dispute arose over payment of some amount and as per Annexure A-3 one of the other co-accused entered into an agreement with the husband of complainant on 06.04.2016 and received an amount of Rs.20,00,000/- and the possession was handed over. Thereafter, when the construction was being started, the dispute arose. He further submits that as the charge sheet has been filed, no further investigation is necessary in this case and further looking to the period of detention as the applicant is in jail since 15.06.2016, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement.
6. Considering the totality of facts and circumstances of the case more particularly the fact that report and counter reports have been made against each other as also the fact

that the charge sheet in this case has been filed, no further investigation is necessary and further looking to the period of detention as the applicant is said to be in jail since 6.6.2016, at this stage, I am inclined to allow this bail application.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

R a o