

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6834 of 2016

1. Sani Pandey, S/o. Basant Pandey, Aged About 28 Years, R/o. Jail Road, Babupara, Ambikapur, Police Station Kotwali, Ambikapur, Chhattisgarh.
2. Sajan Gupta, S/o. Radheshyam Gupta, Aged About 24 Years, R/o. Jamira Path, Police Station Samri Path, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station AJAK, Ambikapur, District Sarguja, Chhattisgarh.

(wrongly mention in Bail Rejection Order, Police Station Gandhinagar).

---- Respondent

For Applicant No.1 : Mr. Jitendra Shrivastava, Advocate

For Applicant No.2 : Mr. D.K.Vishwakarma, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.11.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.137/2016 registered at Police Station- AJAK, Ambikapur, District Sarguja (C.G.) for the offence punishable under Sections 294, 506, 323, 354, 354 (Ka), 459 & 342 read with Section 34 of Indian Penal Code, Section 3(1)(x), 3(1)(xi), 3(1) Cha, Gha & Ba (i) (ii) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. As per the prosecution case, earlier a dispute arose between complainant Santoshi Rajan and Dheeraj Jaiswal, for which a report was lodged by Santoshi Rajan against Dheeraj. On 06.06.2016, the complainant alongwith her son sent to Police Station to enquire about the said report and thereafter when she came back to the house, she found that the applicant alongwith other co-accused have occupied the house by breaking open the lock. Subsequently, on being asked, they were assaulted the complainant and her son and a person named Ravi Maravi who tried to intervene in the matter was also assaulted.
3. Learned counsel for the applicants would submit that the main allegation is against Dheeraj Jaiswal and there is some dispute was going on and an agreement was entered in between the husband of the complainant and applicants and an amount of Rs.20 Lakhs was received by them and possession was handed over. They further submit that one Dheeraj Jaiswal against whom the main allegations have been attributed has been enlarged on bail by this Court on 06.10.2016 in MCRC No.6149 of 2016, therefore, the applicants may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she is not able to dispute the fact that similarly placed co-accused Dheeraj Jaiswal has been enlarged on bail by this Court in MCRC No.6149 of 2016.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed and further considering the fact that the similarly placed co-accused has been enlarged on bail, I am inclined to release the applicants on bail.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge

Ashok