

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7303 of 2016

1. Mahavir S/o Sakha Ram Aged About 41 Years R/o Village Dumaghat Chachrapara Police Station Indagaon, District Gariyaband Chhattisgarh
2. Sundaro Gond @ Sunder S/o Anto Ram Aged About 30 Years Resident of Village Dumaghat Chachrapara Police Station Indagaon, District Gariyaband Chhattisgarh
3. Fook Chand @ Mantri S/o Ratan Gond Aged About 48 Years Resident of Village Dumaghat Chachrapara Police Station Indagaon, District Gariyaband Chhattisgarh
4. Balmat Netam S/o Bhakalu Aged About 30 Years Resident of Village Dumaghat Chachrapara Police Station Indagaon, District Gariyaband Chhattisgarh
5. Kastam S/o Naro Gond Aged About 22 Years Resident of Village Dumaghat Chachrapara Police Station Indagaon, District Gariyaband Chhattisgarh
6. Naro Otti S/o Jalil Aged About 60 Years Resident of Village Dumaghat Chachrapara Police Station Indagaon, District Gariyaband Chhattisgarh
7. Babulal S/o Jalin Aged About 50 Years Resident of Village Dumaghat Chachrapara Police Station Indagaon, District Gariyaband Chhattisgarh
8. Hiradhar S/o Ratan Gond Aged About 45 Years Resident of Village Dumaghat Chachrapara Police Station Indagaon, District Gariyaband Chhattisgarh
9. Raidhar S/o Ratan Manjhi Aged About 35 Years Resident of Village Dumaghat Chachrapara Police Station Indagaon, District Gariyaband Chhattisgarh
10. Lakhidhar S/o Gajara Singh Aged About 45 Years Resident of Village Dumaghat Chachrapara Police Station Indagaon, District Gariyaband Chhattisgarh

--- Applicants

Versus

- State of Chhattisgarh Through Station House Officer Police Station : Indagaon, District : Gariyaband Chhattisgarh

--- Respondent

For the applicants	:	Mr. B.D. Badagayan, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 15 of 2016 registered at P.S. Indagaon, Distt. Gariyaband (C.G) for the offence punishable under Sections 147, 148, 149, 294, 506, 427, 436, 352 of IPC.
2. As per the prosecution case, on 10.08.2016 at about 10 o'clock the applicants on the allegation that the complainants have encroached upon the forest land area belonged to village Dumaghat have got the field grazed by the cattle and loss of Rs.7,50,000/- was caused, for which, initially a report was made on 28.02.2016.
3. Learned counsel for the applicants would submit that the charge sheet in this case has been filed and the false allegations have been attributed and the land was primarily given to the village of applicants for carrying out agricultural operations, fishy culture etc., and the complaints have encroached upon the said land. Consequently some dispute took place between the parties and the applicants have been falsely implicated, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of victim as also the loss Panchnama. The loss which was caused by getting it grazed and other means is estimated to Rs.7,78,000/-. It appears that initially the main allegation of grazing cattle has been attributed to the applicants and further it is also alleged that after grazing cattle, a hut situated in the area was gutted to fire which automatically spread out to a nearby heap of crop which was also burnt and thus a total loss of Rs.7,78,000/-

was caused by grazing cattle and by other means.

6. Taking into such background of the case and no further investigation as appears is necessary and also the fact that the applicants are in jail since 23.08.2016 and further considering the totality of facts and circumstances of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE