

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8014 of 2016

1. Bholi S/o Antram Aged About 38 Years,
2. Rakesh S/o Antram Aged About 31 Years,
3. Basant S/o Puni Lal Aged About 33 Years,

All are R/o Village Paraghat, Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Office, Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Respondent

For applicants - Shri C.K. Kesharwani, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/12/2016

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.93/2001 registered in Police Station Masturi, District Bilaspur (CG) for offence punishable under sections 147, 148, 307/149, 302 of Indian Penal Code.
2. As per the prosecution case, in the month of June 2001 the applicants along with others committed murder of Dhansai and Ganesh and Rajkumar and Janki Bai were assaulted. Case was registered against the applicants and after sessions trial they were acquitted on 11/02/2003. The High Court in exercise of revisional power has set aside such acquittal order on 22/08/2016 and remanded back the case for re-hearing. Thereafter, the applicants have been arrested on 10/11/2016.
3. Learned counsel for the applicants submits that the applicants have been acquitted earlier on 11/02/2003 and thereafter after order of the revisional court dated 22/08/2016 they appeared before the court and they were represented in the high court through their counsel and the

applicants have not committed any offence during such period they were out of the custody, therefore the applicants may be released on bail.

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

5. Perused the order dated 10/11/2016 which shows that the applicants have been arrested in view of the order passed by the High Court in criminal revision whereby order of acquittal was set aside and re-hearing was ordered for. Taking into fact that the applicants were earlier not in custody and the applicants have appeared, this court is inclined to release the applicants on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE