

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5551 of 2017

1. Dhal Singh & Anr. S/o Bishat Ram Chandrakar, Aged About 31 Years R/o Village Ranchirai, Police Station Ranchirai, Tahsil Gunderdehi, District Balod, Chhattisgarh.
2. Yagvendra S/o Late Kushal Chandrakar, Aged About 46 Years R/o Village Ranchirai, Police Station Ranchirai, Tahsil Gunderdehi, District Balod, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The District Magistrate, Balod, Chhattisgarh.

---- Respondent

Shri B.D.Guru, counsel for the Applicant/s.
Shri Shashank Thakur, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/11/2017

Heard.

This is second bail application. First bail application was rejected on 27/03/2017 by this Court.

The applicant has been arrested in connection with Crime No.106/2016 registered at Police Station – Ranchirai, District - Balod (CG) for alleged commission of offences under Section 294, 506-B, 323, 324, 147 & 302 of IPC and Sections 3, 5 of the Tonahi Pratadna Act.

2. The allegations against the present applicants is that the applicants and many other villagers alleging that Soman Nishad was practicing witchcraft, assaulted, due to which, she died.

3. Learned counsel for the applicant submits that the prosecution case involving the applicant rest on the case diary statements of two witnesses Jeevan Lal and Vishnu. He submits that the earlier bail application was rejected on the ground that

Jeevan Lal and Vishnu had deposed against the applicants. Later on, both were examined in the Trial Court and turned hostile. Therefore, the applicants pray for grant of bail as in same case, other similarly situated 12 accused persons have been granted bail in MCrC No.1203/2017 and MCrC. No.1204/2017.

4. On the other hand, learned State counsel opposes bail application and submits that looking to the nature and gravity of allegations and trial is yet to be completed, applicants may not be granted bail.

5. Having considered submission of learned counsel for the parties, particularly considering that both Jeevan Lal and Vishnu have been examined and according to learned counsel for the applicants, they turned hostile and not supported the case of the prosecution and that other 12 co-accused have already been granted bail by this Court, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge