

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3859 of 2017

1. Netram Sahu S/o Late Anandi Sahu Aged About 46 Years R/o Village Khisora, Post: Hasda- 1, Police Station: Magarlod, District Dhamtari, Chhattisgarh.
2. Ashok Sahu S/o Late Anandi Sahu Aged About 54 Years R/o Village Khisora, Post: Hasda- 1, Police Station: Magarlod, District Dhamtari, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station: Magarlod, District: Dhamtari, Chhattisgarh.

-----Respondent

For Applicant : Shri CR Sahu, Advocate.

For Respondent : Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

On 15.06.2017.

This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with crime No.264/2016 registered at Police Station Magarlod, Distt. Dhamtari for the offence punishable under Sections 436, 34 of the Indian Penal Code.

2. As per the case of the prosecution, present applicants, in connivance with co-accused persons, set on fire the hutment of the complainant in the afternoon of 11.11.2016

3. Learned counsel for the applicants submits that there is no eye witness to the incident and a plain reading of the complaint reveals that large number of villagers were gathered to ensure that the hutment of the complainant is removed as he has illegally encroached upon the grazing land and put up his hutment. He further submits that the case diary does not reflect any single

statement of any of the witnesses who have supported the case of the prosecution of having seen the present applicants committing the alleged offence. Thus prays for grant of bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that statement of the complainant shows that when he came out of the house after seeing the fire he found the applicants and other accused persons standing surrounding his hutment and heard them saying that their work is over and hence prayed for rejection of the bail application.

5. I have heard the counsel appearing for the parties.

6. Having considered the rival contention of both the parties and also on perusal of the record and taking note that there was large number of persons gathered at the place of incident and there was no eye witness to the incident nor there is any incriminating material available in the case diary against the applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- each with two solvent sureties in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge