

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 112 of 2017

1. Ramnaresh Rathore, S/o. Shri Ramu Rathore, aged about 47 years, Occupation-Service, R/o. Village-Vijaypur, Raigarh. Present address M/s. Bhushan Power and Steel Ltd., Village-Thelkolai, Post Lapanga, Tahsil – Rengali, District – Sambalpur (Orissa).

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, Raigarh District – Raigarh (C.G.)

---- Respondent

AND

M.CR.C. No. 297 of 2017

1. Shishir Parida, S/o. Shri Santosh Parida, aged about 24 years, Occupation- Service, R/o. Nabgaon, P.S. - Aska, District – Ganjam. Present Address M/s. Bhushan Power & Steel Ltd., Village-Thelkolai, Post – Lapanga, Tahsil – Rengali, District – Sambalpur (Orissa).
2. Neeraj Samant, S/o. Shri Sankar Samant, aged about 24 years, R/o. Barsuan, P.S. - Lahunipada. Present Address M/s. Bhushan Power & Steel Ltd. Village- Thelkolai, Post Lapanga, Tahsil – Rengali, District – Sambalpur (Orissa).

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, Raigarh District – Raigarh (C.G.)

---- Respondent

For Applicants	:	Mr. Awadh Tripathi, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/02/2017

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.778/2016, registered at Police Station – City Kotwali, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 341, 342, 294, 323,

506, 384, 327/34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that on 11.12.2016, a complaint was made by Ripusudan Sao that his nephew Sanjay and Ishwar were forcefully taken by the present applicants, who are the employee of Bhushan Power and Steel Plant to their factory and they demanded Rs.50,000/- as the car was dashed by the nephew of the complainant. Consequently, the report was made.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and it is simple case of road accident as the Tata Safari, which was driven by the Sanjay and Ishwar dashed the vehicle CRV of the applicants bearing No.OR-15-005 for which some dispute arose and the some amount was demanded for compensation and in the meanwhile phone call was made to one D.P. Sahu, who is A.S.I. by the complainant, consequently, exaggerated report is made. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 12.12.2016, therefore, the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and the statement of Ishwar Prasad, which shows that due to the accident, the car was damaged. Taking into the totality, background of this case, the degree of allegation and further taking into the fact the origination of the dispute, and further considering the fact that charge-sheet in this case has been filed and the applicants are in jail since 12.12.2016, 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 applications filed under Section 439 of the Cr.P.C. are allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram