

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 997 of 2017

1. Suraj, S/o. Ramlal @ Ramnarayan Bhardwaj, Aged About 24 Years,
2. Ramaulal, S/o. Mangal Das, Aged About 40 Years,
R/o Village -Dharashiv, Chowki Lavan, Thana Kasdol, District
Balodabazar- Bhatapara, Chhattisgarh.

----Applicants

Versus

1. The State Of Chhattisgarh, Through : Police Station : Kasdol, District
Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Mr. Parag Kotecha, Advocate

For Respondent/State : Mr. Dilman Rati Minj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/03/2017

1. This is the first bail application 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.1/2017, registered at Police Station – Kasdol, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 394 read with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Ritu Kumar Banjare, who was constable alleging that on 31.12.2016 while he was coming back to his village in the road, he was stopped by three persons i.e. present applicants and one Saroj and they demanded Rs.2,000/- and when it was disclosed that he belonged to police and he will not pay the amount, an altercation started and the complainant was assaulted and Rs.1000/- was looted. Thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and in fact some incident took place in between Saroj Ratre and complainant for which they wanted to make a report, therefore, false report has been made against the applicants and only currency note is said to have been recovered, 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 as also the statement. Considering the facts and circumstances of the case, the nature of allegation levelled against the applicants and further taking into the fact that charge-sheet in this case has been filed and the applicants are in jail since 01.01.2017, 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 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge