

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1203 of 2017

1. Mohit Kumar . S/o Late Rup Ram Chandrakar, Aged About 32 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.
2. Umendra, S/o Late Rup Ram Chandrakar, Aged About 36 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.
3. Krishna Ram S/o: Late Derha Ram Chandrakar, Aged About 51 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.
4. Than Singh, S/o: Itwari Sahu, Aged About 40 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.
5. Kailash, S/o, Itwari Ram Sahu, Aged About 35 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.
6. Manthir S/o Itwari Ram Aged About 65 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.

---- **Petitioners**

Versus

- State of Chhattisgarh Through : District Magistrate, Balod, Distirct - Balod, Chhattisgarh.

---- **Respondent**

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MCRC No. 1204 of 2017

1. Daulatram Sahu . S/o Sevakram Sahu Aged About 36 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.
2. Chimanlal Chandrakar S/o Ramlal Chandrakar Aged About 45 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.
3. Tuman Chandrakar S/o Nandu Chandrakar Aged About 26 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.
4. Santosh Sahu S/o Manthir Sahu Aged About 35 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.
5. Madan Lal S/o Basant Sahu Aged About 32 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.
6. Narayan Sahu S/o Hiralal Sahu Aged About 45 Years R/o Village Ranchirai Police Station Ranchirai, Tahsil Gundardehi, District Balod, Chhattisgarh.

---- **Petitioners**

Versus

- State of Chhattisgarh Through District Magistrate Civil & Revenue District Balod, Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Amiyakant Tiwri,, Advocate
For Respondent/State : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-03-2017

1. Since both the aforesaid bail applications arise out of same Crime No. 106 of 2016 which are common in nature, they are heard analogously and are being disposed of by this common order.
2. Both the bail applications are filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 1-12-2016 in connection with Crime No. 106 of 2016, registered at Police Station Ranchirai, District Balod (CG) for the offence punishable under Sections 506-B, 294, 323, 324, 147, 302 of IPC and Sections 3 & 5 of the Tonhi Pratarna Adhiniyam.
3. As per prosecution case, on 31-10-2016 the applicants along with other villagers of Ranchirai alleged that Soman Nishad had done witch-craft to the daughter of one Pappu Chandrakar and thereafter on such allegation Soman Nishad was assaulted. Subsequently Soman Nishad became unconscious and eventually died. Initially first information was made on 3-11-2016 and Soman Nishad died on 7-11-2016.
4. Learned counsel appearing for the applicants would submit that post-mortem report shows that five injuries are reported, the main allegations are attributed to other co-accused persons and the present applicants have not been named in the first information report and only omnibus allegations have been attributed to the present applicants being part of crowd. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 1-12-2016 and no further investigation is required, therefore, they may be released on bail.

5. On the other hand, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel for the parties and have also perused the case diary and the documents.
7. Perused Dehati Nalsi which shows that initially first information report was made against Pappu Chandrakar, Beniram, Amol Singh, Pitambar, Duryodhan, Karan and others. Also perused the statements of eye-witnesses namely Panchu Nishad and Santram wherein they have not stated specifically against the present applicants, except omnibus allegations.
8. Taking into consideration all the facts and circumstances of the case, considering the fact that the applicants have not been named in the first information report and further considering the statements of the eye-witnesses and also the fact that charge-sheet has been filed, the applicants are in jail since 1-12-2016, I am of the considered opinion, *prima facie* that these are fit case where the applicants can be released on bail.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety 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

Raju