

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3487 of 2017

- Paltan S/o Bhakhal Chouhan, Aged About 70 Years, R/o Village Khondhara, Police Station & Tahsil Dabhara, District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Dabhara, District Janjgir-Champa, Chhattisgarh.

---- Non-applicant

And

MCRC No. 3501 Of 2017

- Rajkumar Chouhan S/o Thanwar, Aged About 33 Years, Caste- Ganda, R/o Village- Khemda, Police Station- Dabhara, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh through Station House Officer, Police Station Dabhara, District Janjgir-Champa, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Ishwar Jaiswal, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-11-2017

1. As both the matters arise out of the same crime number, i.e., Crime Number No.132/2017 registered at Police Station Dabhara, District Janjgir-Champa, C.G. for the offence under Section 109, 193, 200, 420, 467, 468, 120B, 34 of the IPC, they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants.
3. It is submitted by learned counsel for applicants, that they have been falsely implicated in this case. They are residents of Khondhara, Tahsil

Dabhara, Distt. Janjgir-Champa, C.G., whereas, complainant Desmati is resident of Raigarh, C.G. Hence, they have no knowledge about her living status. When the mutation was recorded by the Patwari, they have simply signed the mutation record. The case is triable by JMFC. The applicants are in jail since 02-03-2017. The case is likely to take some time for its disposal. Therefore, it is prayed that the applicants may be enlarged on bail.

4. Learned counsel for the State/non-applicant opposes the applications and submission made. It is submitted that complainant Desmati was sister of applicant Paltan, hence this submission that he had no knowledge about living status of Desmati is not acceptable. These applicants have signed the mutation paper in confirmation that Desmati has died and no LRs. of Desmati are living. Therefore, looking to the gravity of the offence charged against them, the applicants are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. Considering on the submission and contents of the case diary, I am of this view, that this case is triable by JMFC, the applicants are local residents, whose availability for trial can be ensured, for these reasons it would not serve any purpose if the applicants are kept in detention till conclusion of the trial.

7. Consequently, both the applications (MCRC No.3487/2017 and MCRC No.3501/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby 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.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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge