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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5565 of 2017**

Thakur Ram Gulam Singh, S/o. Ganju Singh, Aged About 72 Years, R/o. Danteshwari Chowk, Near Malsai Talab, Purani Basti, Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - Dharsinwa, District -Raipur, Chhattisgarh.

---- Respondent

M.CR.C. No. 5661 of 2017

1. Girdhar Sahu, S/o. Late Kaliram Sahu, Aged About 57 Years, R/o. Village Mohadi Police Station & Tahsil Dharsiva, District Raipur, Chhattisgarh.
2. Amit Baghel, S/o. Shri Ramkumar Baghel, Aged About 45 Years, R/o Kanchanganga, Phase 2, Rohanipuram Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicants

Vs

State Of Chhattisgarh Through Police Station Dharsiva, District Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. V.R. Tiwari & Mr. S.C. Verma, Advocates
For Respondent/State	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**06/11/2017**

1. Both the bail applications are heard together and decided by this common order, as they all are arising out of same crime number as the facts and issues involved are similar in nature.

2. 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.323/2017, registered at Police Station – Dharsiva, District – Raipur (C.G.) for the offence punishable under Section 294, 153-A 1 (a), (b), 34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants in both the cases that applicants have been falsely implicated in this case and no case is made out against them according to the investigation conducted so far. The offence under Section 294 of I.P.C. is bailable, whereas, the offence under Section 153-A 1 (a), (b) is punishable with maximum sentence of 3 years of imprisonment. The offences are triable by J.M.F.C., applicants are in jail since 03.08.2017 and the charge-sheet has been filed, trial is likely to take some time for its conclusion, hence prayed that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that applicants in both the cases have a criminal history against them. Applicant – Thakur Ram Gulam Singh is leader of Chhattisgarh Kranti Sena and almost 21 cases have been registered against him in Police Station – Palari, Bagbahara and Dharseewa. Similarly, the applicant- Girdhar Sahu has also a criminal history having four cases registered against him in P.S. Dharseewa, he is also a so called leader of the Chhattisgarh Kranti Sena. Similarly four cases are registered against the applicant – Amit Baghel, hence all the applicants are not entitled for grant of bail.

5. Counsel for the applicants submits that in none of the cases, conviction have been recorded against any of the applicants so far and most of the cases are prior to 1990. Applicants are leader of farmers and labourers and on account of various protest and activities, false cases have been regularly registered by the concerned police station.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As there is no conviction against any of the applicants in any of the previous case registered against them as mentioned by the counsel for the State and looking to the material on record against the applicants in this case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. 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/-
(Rajendra Chandra Singh Samant)
Judge