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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6011 of 2017

- Sadhelal S/o Ghanaram Nishad Aged About 68 Years Occupation Agriculture R/o Village Mudparkhurd, Post Bargaon Tahsil & Thana Berala District Bemetara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Berla District Bemetara Chhattisgarh

---- Non-applicant

And

MCRC No. 6579 Of 2017

- Syed Gulzar Ali, S/o Late Syed Gauhar Ali, Aged About 36 Years, R/o Gandhi Chowk, Sadar Road, Bemetara, District Bemetara, Chhattisgarh

---- Applicant

Vs

- State Of Chhattisgarh Through the In Charge Officer, P.S. Berla District Bemetara, Chhattisgarh

---- Non-applicant

For Applicant – Shri N.K.Malaviya, Advocate (in MCRC No.6011/2017),
Shri Mateen Siddiqui, Advocate (in MCRC No.6579/2017).

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

10-11-2017

1. As both the matters arise out of the same crime number, i.e., Crime Number No.236/2017 registered at Police Station Berla District Bemetara C.G. for the offence under Section 307, 147, 148, 149, 186, 353, 332, 326, 427 & 120B of the IPC and Section 3 of Prevention of Damage to Public Property Damage Act, 1984, 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 that the applicants are innocent and have been falsely implicated. Applicant Syed Gulzar Ali is a leader of Youth Congress of Bemetara District and applicant Sadhelal is uncle-in-law of the victim of gang rape. On the date of incident the members of the congress party were agitating before the office of the Sub-Registrar demanding arrest of the accused of one gang rape case, which had been reported by the victim in P.S. Berla. Other

persons also joined the party workers and the mob became violent, which resulted in assault and some injuries were caused to some policemen. It is submitted that applicant Sadhelal though present in that agitation, but had not taken part in the said act of violence. It is further submitted that applicant Syed Gulzar Ali was not present on the spot at the time when the incident of assault and causing injuries was happened. 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 in this respect. It is submitted that the applicants led the mob that turned violent and caused injuries to the policemen and also caused damage to public property. Hence, the allegations against the applicants are grievous in nature. Therefore, they are not entitled for grant of bail.

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

6. Considering this fact that the applicants were part of the party agitating and demanding the arrest of accused in a gang rape case, which later on turned into mob and mob became violent, the question of responsibility of the applicant is to be determined by the trial Court in this case, for the present, I am of this opinion that the applicants should be enlarged on bail.

7. Consequently, both the applications (MCRC No.6011/2017 and MCRC No.6579/2017) 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 Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge