

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6381 of 2017

1. Bhuneshwar @ Mekra & Ors. S/o Pundas Jangde, Aged About 40 Years R/o Village Pendritalab, Thana Lalpur, Distt. Mungeli Chhattisgarh.
2. Parmeshwar, S/o Pundas Jangde, Aged About 46 Years R/o Village Pendritalab, Thana Lalpur, Distt. Mungeli Chhattisgarh.
3. Jaleshwar Jangde, S/o Pundas Jangde, Aged About 49 Years R/o Village Pendritalab, Thana Lalpur, Distt. Mungeli Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Lalpur, Distt. Mungeli Chhattisgarh.

---- Respondent

&

MCRC No. 6012 of 2017

1. Jitendra @ Jittu & Anr. S/o Parmeshwar Satnami, Aged About 24 Years R/o Village Pendri Talab (Khurd), Police Station Lalpur, Tahsil Lormi, District Mungeli Chhattisgarh.
2. Munna, S/o Jaleshwar Satnami, Aged About 18 Years R/o Village Pendri Talab (Khurd), Police Station Lalpur, Tahsil Lormi, District Mungeli Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Lalpur, District Mungeli Chhattisgarh.

---- Respondent

For Applicants	:	Mr. A. S. Ansari, Sr. Advocate with Mr. Vipin Singh, Advocates.
For Respondent/State	:	Mr.UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/11/2017

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Heard on applications under Section 439 of Cr.P.C. for grant of bail.
3. 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. 89/2017, registered at Police Station- Lalpur, District – Mungeli (C.G.) for the offence punishable under Sections 147, 148, 323, 325, 365, 436/149 of Indian Penal Code (for short 'IPC') in M.Cr.C. No.6381/2017 and under Sections 436, 364, 147, 149, 323, 459, 325 of IPC in M.Cr.C. No.6012/2017.
4. Learned Senior Counsel for the applicants submit that applicants are innocent and have been falsely implicated in this case. It is submitted that applicants in both the cases and complainant Kaleshwar Jatwar and Mohan were jointly engaged in the business of manufacturing bricks, however, on account of some dispute regarding distribution of manufactured bricks, applicants in both the cases have been falsely implicated in this case. In fact, no mischief by fire, as alleged, occurred in the house of the complainant which is evident from the map prepared by the Patwari showing the place of mischief by fire as near the haystack. Apart from the offence of mischief by fire, no other offence is of serious gravity. After completion of investigation, charge-sheet has already been filed and the applicants are in jail since 8.5.2017. Therefore, it is prayed that the applicants be enlarged on bail.

5. Learned State counsel opposes the prayer for grant of bail, however, he would submit that damage Panchnama shows that house of the complainant was burnt down because of which loss to the tune of Rs.1,40,000/- had been occasioned. Apart from that, applicants in both the cases have previous history of criminal cases, hence, prayed that the applicants are not entitled for grant of bail.
6. Heard both the parties and perused the case diary.
7. Considering the submissions made and contents of the case diary and the fact that charge-sheet has already been filed and further taking into consideration the fact that there is no report of any previous conviction of the applicants and that after filing of the charge-sheet, the trial is about to commence, it would not serve any purpose in keeping the applicants languishing in jail for the entire period of trial, hence, this appears to be a fit case where the applicants should be enlarged on bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge