

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6476 of 2017

- Sanat Bargah S/o Late Ramdeen Bargah Aged About 42 Years R/o Dhardei, Police Station Pathariya, District Mungeli, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

And

MCRC No. 6769 Of 2017

1. Manoj Kumar & Anr. S/o Hulesh Singh, Aged About 21 Years R/o Gramdhardei, P.S. Patharia, District Mungeli, Chhattisgarh
2. Dilip S/o Chhavi, Aged About 27 Years R/o Gramdhardei, P.S. Patharia, District Mungeli, Chhattisgarh

---- Applicants

Vs

- State Of Chhattisgarh Through Police Station Patharia, District Mungeli, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Wasim Miyan and Mr. V. R. Tiwari, Advocates.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

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

17/11/2017

1. Since both bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both applications are the first bail applications filed under Section 439

of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 244/2015, registered at Police Station- Pathariya, District- Mungeli (C.G.) for the offence punishable under Sections 294, 506, 323, 147, 148 & 149 of Indian Penal Code (for short 'IPC') and 3(1)(10) of the SC, ST (Prevention of Atrocities) Act.

3. The applicants in both the cases are innocent and have been falsely implicated. Applicant Sanat Bargah is in jail since 3.10.2017 and the applicant Manoj Kumar is in jail since 14.9.2017. Charge-sheet has been filed after completion of investigation. No case is made out against the applicants, therefore, they may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that the contents of the FIR and the statements of witnesses under Section 161 of CrPC is against both the applicants, hence, they are not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. The facts of the case are these, that on 30.9.2015 at about 2.30 pm, the complainant Badri Prasad Patre, who happens to be a member of Scheduled Caste was abused, insulted and assaulted by applicants and others in this case. After lodging the FIR, case was registered against the applicants.
7. Considering on the submissions, contents of the case diary and looking to the facts proposed against the applicants in both the cases, it would not serve any purpose if the applicants are kept in jail for the entire period of trial and also looking to this fact that they are local resident of the locality whose availability before the trial Court shall not be compromised if they are enlarged on bail, hence, this appears to be

a fit case where the applicants should be enlarged on bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- each 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/-
(Rajendra Chandra Singh Samant)
Judge