

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6786 of 2017**

- Shriram Sahu S/o Late Ghasi Sahu, Aged About 52 Years, R/o Village Dhardei, Police Station Pathariya, District Mungeli Chhattisgarh Mobile No. 9770750038

---- Applicant**Versus**

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

---- Non-applicant**And****MCRC No. 6896 Of 2017**

- Vishram S/o Deendayal Bargah, Aged About 55 Years, R/o Village Dhardei, Police Station Pathariya District Mungeli Chhattisgarh.
- Ramsanehi S/o Vishram Bargah, Aged About 38 Years, R/o Village Dhardei, Police Station Pathariya, District Mungeli Chhattisgarh.

---- Applicants**Vs**

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

---- Non-applicant**And****MCRC No. 6847 Of 2017**

- Nikku Bargah S/o Mithlesh Thakur, Aged About 22 Years, R/o Village Dhardeyi, Police Station Pathariya, District Mungeli, Chhattisgarh.
- Keshav (wrongly mentioned in the impugned order as Keshal), S/o Kunjram, Aged About 28 Years, R/o Village Dhardeyi, Police Station Pathariya, District Mungeli, Chhattisgarh.
- Bhojram, S/o Shambhu Ram Thakur, Aged About 39 Years, R/o Village Dhardeyi, Police Station Pathariya, District Mungeli, Chhattisgarh.
- Lalit S/o Kunjram Bargah, Aged About 46 Years, R/o Village Dhardeyi, Police Station Pathariya, District Mungeli, Chhattisgarh.

---- Applicants

Vs

- State Of Chhattisgarh Through The Police Of Police Station Pathariya, Tehsil Pathariya, District Mungeli, Chhattisgarh.

---- Non-applicant

For Applicant(s):- Shri Chandradeep Prasad, Advocate on behalf of Shri Amit Singh (in MCRC No.6786/2017),
Shri Wasim Miyan, Advocate (in MCRC No.6896/2017),
Shri Ajay Kumar Chandra, Advocate (in MCRC No.6847/2017)

For State/non-applicant:- Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06/12/2017

1. Since all these three bail applications arise out of the same crime number, they are being disposed off by this common order.
2. These 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. It is submitted on behalf of the applicants that the applicants in these cases are innocent and have been falsely implicated. All the applicants are in jail since 14.09.2017. 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 are against the applicants, hence, they are not entitled for grant of bail.

5. Heard learned counsel for 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 the 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 evidence proposed against the applicants in the matter, 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, all the three bail applications filed under Section 439 of Cr.P.C. are allowed.

9. 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 each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge