

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8299 of 2016

1. Deenu Dewar @ Deendayal, S/o. Kolta Dewar, Aged About 37 Years.
2. Kushaldas, S/o. Tiharudas Bairagi, Aged About 22 Years.

Both are R/o. Ward No. 11, Dabrapara, Bagbahra, Police Station & Tahsil Bagbahra, District Mahasamund, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Bagbahra, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Mr. Vikas Pradhan, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/01/2017

1. This is the first bail application 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.171/2016 registered at Police Station- Bagbahra, District Mahasamund (C.G.) for the offence punishable under Section 436 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 25.08.2016, a report was made by Sunaina Dewar that the present applicants on a dispute in between the parties set on fire to their house which caused loss of Rs.10,000/-.
3. Learned counsel for the applicants would submit that two cases were registered as the communities have dispute with each other and both of them have set on fire to the houses of each other and

the other accused against whom the case was registered under Crime No.172/2016 has been enlarged on bail by the Court of Additional Sessions Judge, Mahasamund, whereas the bail applications of these applicants have been rejected. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the copy of the order passed by the Additional Sessions Judge, Mahasamund, wherein it appears that the other accused against whom similar allegations have been leveled has been enlarged on bail. Considering the statement of the complainant and the present applicants and taking into nature of allegations and the fact that the charge sheet has been filed and the applicants are in jail since 07.11.2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on 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.

Sd/-
(Goutam Bhaduri)
Judge