

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6342 of 2017

1. Radheshyam S/o Tuleshwar Prasad, Aged About 26 Years Caste Bareth, R/o Parsadakhurd (Harada), Tahsil And Police Station Sakti, District Janjgir Champa Chhattisgarh.
 2. Laxminarayan S/o Sahhdul Das, Aged About 22 Years Caste Mahant, R/o Parsadakhurd (Harada), Tashsil & Police Station Sakti, District Janjgir Chmpa Chhattisgarh.
- Applicants**

Versus

- State of Chhattisgarh through the District Magistrate, District Janjgir Champa Chhattisgarh.
- Respondent**

For the applicants	:	Mr. Ishwar Jaiswal, Advocate
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.10.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.302/2016 registered at P.S. Baradwar, Distt. Janjgir Champa (C.G.) for the offences punishable u/ss 394/34 of IPC.
2. As per the prosecution case, a report was made by the complainant/victim Puratan Bai that on 21.10.2016, the accused/applicants assaulted her by way of stone on her head while she was grazing cattle and thereafter looted the gold chain and other ornaments from her.
3. Learned counsel for the applicants submits that this is second bail application and the earlier one was dismissed on 14.02.2017 with liberty to repeat the same after examination of the complainant/victim. He submits that the victim and her son Sukhram have been examined and nothing has been

stated against the present applicants and even the identification has been disputed, therefore, the applicants have been falsely implicated. He further submits that the applicants are in jail since 21.10.2016 and they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is unable to dispute the fact that the above seizure witnesses have not supported the case of prosecution.
5. Taking into consideration the fact that the above two seizure witnesses have denied the case of prosecution as also the fact that the applicants are in jail since 14.02.2017, without any further observation on merits of the case, this Court is inclined to release the applicants on bail. Accordingly, this application is allowed.
6. The applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**