

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 373 of 2018**

1. Santosh Gupta, S/o Alam Chandra, aged about 20 years,
2. Rajesh Biyar, S/o Shankar Prasad, aged about 20 years,

Both are R/o Mahewa, PS Basantpur, Distt. Balrampur-
Ramanujganj (C.G.)

---- Applicants**Versus**

State of Chhattisgarh, through the Station House Officer, Police
Station Basantpur, Distt. Balrampur- Ramanujganj (C.G.)

---- Non-applicant

For Applicants : Mr. Jitendra Shrivastava, Advocate.
For Non-applicant/State: Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/03/2018**

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 63/2017 (as per challan) registered at Police Station Basantpur, Distt. Balrampur - Ramanujganj for the offence punishable under Sections 147, 148, 353, 323, 506, 332, 186 & 427 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that during removal of encroachment on the Government's land, the Sub Divisional Officer and Tahsildar were assaulted by the applicants and other co-accused persons, by which, both the officers sustained injuries and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the offence in question as they have not committed any offence. He would further submit that one of the co-accused namely Kumari Kiran has already been granted anticipatory bail by this Court vide order dated 2.1.2018 in M.Cr.C. (A) No. 603/2017. He submits that the applicants are languishing in jail since 13.9.2017; charge sheet has already been filed and no useful purpose would be served in keeping them in jail and therefore, they may be released on bail.

(4) On the other hand, learned counsel for the State, opposes the bail application.

(5) Taking into consideration the nature and the gravity of the offences and considering the detention period of the applicants and the fact that co-accused namely Ku. Kiran has already been granted anticipatory bail by this Court vide order dated 2.1.2018 in M.Cr.C. (A) No. 603/2017; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

