

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7573 of 2017

- Sandeep Kumar Mathur S/o Ashok Kumar Mathur, Aged About 22 Years R/o Village Kopedih Hanchalpur , Police Station Bhakhara, Civil And Revenue District Dhamtari Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Bhakhara District Dhamtari, Chhattisgarh , Chhattisgarh

---- Respondent

MCRC No. 364 of 2018

1. Jeevanram Khunte S/o Itwari Khunte, Aged About 45 Years R/o Village Kopedih Hanchalpur, Police Station Bhakhara, Tahsil Kurud District Dhamtari Chhattisgarh , Chhattisgarh
2. Govind Banjare, S/o Itwari Banjare, Aged About 20 Years R/o Village Kopedih Hanchalpur , Police Station Bhakhara, Tahsil Kurud District Dhamtari Chhattisgarh , District : Dhamtari, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhakhara, District Dhamtari Chhattisgarh, Chhattisgarh

---- Respondent

MCRC No. 892 of 2018

1. Ramuram Khunte S/o Dauwaram Khunte Aged About 35 Years R/o Kopedih, Hanchalpur, P. S. Bhakhara, Tehsil Kurud, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh
2. Milawaram Khunte S/o Dauwaram Khunte Aged About 54 Years R/o Kopedih, P. S. Bhakhara, Tehsil Kurud, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through S. H. O., P. S. Bhakhara, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Respondent

&

MCRC No. 1099 of 2018

1. Shit Kumar S/o Jaynarayan Khunte Aged About 25 Years R/o Village-Kopedih, Police Station Bhakhara, Civil And Revenue District Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh
2. Suresh Kumar S/o Uttrakumar Mathur Aged About 33 Years R/o Village-Kopedih, Police Station Bhakhara, Civil And Revenue District Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh
3. Delip Kumar S/o Uttrakumar Mathur Aged About 28 Years R/o Village-Kopedih, Police Station Bhakhara, Civil And Revenue District Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh
4. Ashok Kumar S/o Vithal Ram Mathur Aged About 45 Years R/o Village-Kopedih, Police Station Bhakhara, Civil And Revenue District Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh
5. Duleshwar Chandel S/o Bisnath Chandel Aged About 24 Years R/o Village-Kopedih, Police Station Bhakhara, Civil And Revenue District Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Bhakhara, Civil And Revenue District Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Sanjeev Kumar Sahu, Mr. B.P. Singh, & Mr. Anil Gulati, Advocates.
For Respondent	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/02/2018

1. Since all the bail applications arise out of the same crime number, they are being disposed of by this common order.
2. All these applications are first bail application of the applicants under Section 439 of the Code of Criminal Procedure, for grant of regular bail

to the applicants as they have been arrested in connection with Crime No.230/2017 registered at Police Station - Bhakara, District – Dhamtari (C.G.) for the offence punishable under Sections 147, 148, 149, 186, 294, 332, 353, 506(B) & 333 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question. No case is made out on the basis of the material placed before the trial Court. Applicants are local residents of District-Dhamtari and are willing to abide by all the conditions and direction, which may be imposed on them while granting bail. Hence, it is prayed that applicants be enlarged on bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that there are serious allegation against all these applicants about assaulting and causing grievous injuries to public servant i.e. the Police Officers during performance of their duty. Hence, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. Inspector Pourus Kurre has lodged FIR stating in it that on the date of incident, the police force from PS-Bhakhara raided in the village-Kopedeeh and found that accused applicant in MCRC No.1099/2018 were selling hand made country liquor without any license. On stopping him to sell the country made liquor, he and all the other applicants and one co-accused Jai Narayan Khunte formed an unlawful assembly with the common object to assault and abuse the policemen and, thereafter, using abusive words, threats they assaulted the police personnel with hands, fists and clubs causing injuries to

Bhagwani, Soman Lal Sinha, Naresh Giri, Pourus Kurre, Dhanesh Dewangan, Narsingh Sahu and Dullu Ram. S.I. Narsingh Sahu suffered a fracture in ring finger. Investigation has been completed and charge-sheet has been filed.

7. Considered.
8. Applicants are residents of within the jurisdiction of PS-Bhakhara District-Dhamtari. After the filing of charge-sheet, the trial of the case is likely to take some time. Hence, in the present circumstances, no useful purpose would be served if the applicants are kept in detention till the conclusion of trial. For this reason, I am of this view that it is a fit case where the applicants should be enlarged on regular bail.
9. Accordingly, all the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that both the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge