

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7545 of 2017

1. Durgesh @ Lalu Bareth Aged About 19 Years S/o Manglu Bareth, R/o Gram Sivni Champa Police Station And Tehsil Champa District Janjgir Champa Chhattisgarh, Chhattisgarh

2. Naresh Bareth @ Monu Aged About 18 Years S/o Manglu Bareth, R/o Gram Sivni Champa Police Station And Tehsil Champa District Janjgir Champa Chhattisgar, District : Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station S C S T Kalyan , Wrongly Mentioned As Police Station Saragaon District Janjgir Champa Chhattisgarh. , Chhattisgarh.

---- Respondent

For the applicant : Shri Pragalbha, Sharma,
Advocate.

For the Respondent/State : Shri Vinod Tekam, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29.01.2018

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. 13/2017, registered at Police Station – SCST Kalyan, District – Janjgir Champa, (C.G), for the offences under Sections 294, 506, 323, 34 of the Indian Penal Code (Section 325 of IPC as mentioned in Charge-sheet) and (Section 3 (1) (9) Section 3 (1) (x) as per Charge sheet) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case. The co-accused Dwarika Prasad Rathore and Rohit Yadav have been granted bail by the co-ordinate bench of this Court in M.Cr.C No. 7387/2017. The present applicants have also a similar case. It is further submitted that the complainant - Deepak Sidar have compromised the dispute, presently the trial is remaining only for non compoundable offences, hence, it is prayed that the applicants may be enlarged on bail.
3. Learned counsel for the State opposes the application and submission made.
4. Heard counsel for both the parties and perused the case diary.
5. On the date of incident on account of some dispute regarding immersion of Ganesh Idols, the applicants and others stopped

the complainant (Deepak Sidar) and others on their way and then after using abusive words, threatened and assaulted the complainant and others. The complainant (Deepak Sidar) belongs to the Scheduled Tribes. On the information given, FIR has been lodged against the applicants and others.

6. Considered on the submission, taking into consideration that the co-accused have been granted bail by the co-ordinate Bench of this Court in M.Cr.C No. 7387/2017, order dated 15.01.2018, the present applicants have a similar case, hence, on the ground of parity the applicants deserve to be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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 in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge