

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1761 of 2018**

1. Raigarhiya @ Harish Chandra Gupta S/o Easi Ram Gupta Aged About 50 Years, Occupation -Hotel Business
2. Tarun, S/o Harish Chandra Gupta, Aged About 19 Years, Occupation Student,
Both R/o. Village Chhote Devgaon, P.S. Kharsiya District Raigarh Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Kharsiya, District- Raigarh, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 1792 of 2018**

1. Ajay Kumar Patel S/o Bundram Patel, Aged About 31 Years, Occupation Hotel- Business,
2. Raju @ Ghanshyam S/o Bundram, Aged About 33 Years, Occupation -Hotel Business,
Both R/o Village Chhotedeogaon, Police Station Kharsia, District Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Kharsiya, District -Raigarh, Chhattisgarh.

---- Respondent

For Applicants	: Mr. F.S. Khare, Advocate and Mr. J.K. Saxena, Advocate
For State/respondent	: Mr. Vijay Bahadur Singh, Panel Lawyer
For Objector	: Mr. Parasmani Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/04/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.86/2018, registered at Police Station – Kharsiya, District – Raigarh (C.G.), for the offence punishable under Section 294, 506, 323, 341, 394/34 of the Indian Penal Code.
3. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. Presently, the charge-sheet has been filed after completion of investigation and no case is made out against them on the basis of the material present in the charge-sheet. Hence, it is prayed that they may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the accused Ajay Kumar Patel (applicant in M.Cr.C. No.1792/2018) has criminal antecedent about having being prosecuted under the provisions of C.G. Excise Act in six cases and two cases of preventive nature under Cr.P.C., hence, he is not entitled for grant of bail.
5. Counsel for the objector submits that, if the, applicants are released on bail, they will pressurize and influence the witnesses of this case, hence, their application be rejected.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the case of the prosecution on the date of incident, complainant Tankeshwar Rathore, who is a news correspondent, received information that illegal kerosene oil is being sold in the

restaurant of the applicants. The complainant came to the spot and was preparing video clip and taking photographs at that time four persons came out from the restaurant and forcefully took away the mobile and motor cycle of the complainant. After lodging of FIR case has been registered against the all the applicants.

8. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary and looking to the fact that presently, the charge-sheet has been filed, hence, no purpose would be served, if the, applicants are kept in continuous detention till the conclusion of trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge