

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2674 of 2018**

1. Jogendra, S/o. Chagan Lal, Aged About 25 Years, Caste- Raut,
 2. Yogesh @ Dhannu Banchor, S/o. Surendra Banchor, Aged About 25 Years, Caste- Kurmi,
- Both are R/o- Selud, P.S. Utai, District-Durg, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through- P.S. Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Respondent

For Applicants	: Mr. Shikhar Bakhtiyar, Advocate
For State/respondent	: Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/06/2018**

1. This is the first bail application 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.112/2018, registered at Police Station – Gunderdehi, District – Balod (C.G.), for the offence punishable under Section 458, 294, 506 Part-2 and 323/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 28.03.2018. These applicants have not participated in the said commission of crime. They have been implicated only because of the statement given by the co-accused Parmeshwar on memorandum before the police, which is not an admissible evidence. Therefore, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the case of the prosecution, on the date of incident Parmeshwar and his companion forced their entry in the poultry form, where the complainant Santosh Kumar Patel was an employee. They abused and threatened the complainant and others, then they assaulted and caused injuries to the complainant and others.
6. Considered on the submissions made and the contents of the case diary. The names of this applicants have not appeared in the FIR and the only place his name is mentioned is the memorandum statement of the co-accused Parmeshwar. Hence, under these circumstances, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 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