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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3488 of 2018**

Bhupendra S/o Shayamlal Ratnakar Aged About 30 Years R/o- Village-Ghoghara, P.S.- Sarvesa, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- P.S.- Bilagarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 3631 Of 2018**

1. Vikki Ajgalle S/o Ram Narayan Ajgalle Aged About 22 Years R/o- Village Mudpar, P.S. Bilaigarh, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Nilesh Kumar S/o Shyam Narayan Aged About 21 Years R/o- Village Mudpar, P.S. Bilaigarh, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
3. Ramsai S/o Chanduram Ajgalle Aged About 82 Years R/o- Village Mudpar, P.S. Bilaigarh, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
4. Smt. Sukhsagar W/o Late Ram Narayan Aged About 45 Years R/o- Village Mudpar, P.S. Bilaigarh, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants**Vs**

State Of Chhattisgarh Through- Station House Officer, Police Station Bilaigarh, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4416 Of 2018**

1. Dhananjay Kurrey S/o Radheyshyam Kurrey Aged About 23 Years R/o- Village- Mudpar, P.S.- Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Radheyshyam Kurrey S/o Jhaduram Kurrey Aged About 60 Years R/o- Village- Mudpar, P.S.- Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Vs

State Of Chhattisgarh Through- P.S. Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicants : Shri Hemant Gupta, Shri Raghvendra Pradhan and Ms. Pushplata Khalkho, Advocates.

For the Respondent/State : Shri Neeraj Kumar Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

03.07.2018

1. All these applications are being decided by this common order as they arise from the same incident. These are the first bail applications of the applicants 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.433 of 2017, registered at Police Station – Bilaigarh, District – Baloda-Bazar, Bhatapara, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 120-B, 201, 452, 302, 307, 436 and 435 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

2. Learned counsel for the applicants submit that the applicants in M.Cr.C. Nos. 3488 of 2018 and 3631 of 2018 are in jail since 18.12.2017 and the applicants in M.Cr.C. No. 4416 of 2018 are in jail since 18.2.2017 and 19.12.2017, they have been falsely implicated in these cases. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicants in all the cases on the basis of the material placed before the Court by the prosecution. Similarly placed co-accused persons, namely, Dharendra Kumar Jangde, Gorelal Jangde, Chandan

Jangde and Dhaniram Jangde have been granted bail by this Court in M.Cr.C. No. 1719 of 2018, vide order dated 24.04.2018. Hence, it is prayed that the applicants in all these cases be benefited with grant of bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that there is sufficient evidence of the direct involvement of these applicants in the commission of crime, in which the deceased was done to death after setting fire to her body. Hence, for these reasons, the applicants in all the cases do not deserve to be benefited with grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, a dispute arose between Gopi Chand, brother of complainant – Priyanka Tandon and accused – Vikki Ajgalle and others for the reason that Gopi Chand had asked the Nikki Ajgalle and Others not to gamble. Subsequently, on the date of incident, Vikki Ajgalle alongwith others came to the house of the complainant armed with club, sword and other articles, and also threatened to kill. On seeing that, the complainant went into hiding inside her house and then some of the accused, namely, Manglawath Bai, Sukhsagar Bai and others set the house of the complainant ablaze. According to the statement given by Priyanka Tandon, she saw applicants – Nikki Ajgalle, Ramsai Ajgalle, Radheshyam Kurrey and others throwing deceased – Meera Bai inside the burning house after assaulting and injuring her. On that basis, FIR has been lodged by complainant – Priyanka Tandon. Hence, this case.

6. After due consideration on all the material present in the case-diary, it appears that these applicants are not the main accused persons. Hence, for these reasons, I feel inclined to grant regular bail to the applicants in all the cases.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants in all the cases shall be released on bail on each of them 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge