

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4129 of 2018**

1. Hiteshwar Prasad Dansena S/o Babulal, Aged About 21 Years, R/o Village Barbhawna, Tahsil - Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
2. Ishwar Prasad Dansena S/o Babulal, Aged About 21 Years, R/o Village Barbhawna, Tahsil - Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
3. Ghuneshwar Yadav S/o Girdhari Yadav, Aged About 21 Years, R/o Village Gidha, Tahsil - Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. Indrajit Jhariya S/o Uttra Kumar Jhariya, Aged About 24 Years, R/o Village Barbhawna, Tahsil - Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through Police Station Chhal, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

**----Non-applicant**

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For Applicants – Mr. Sanjay Agrawal, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**12-07-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 20-05-2018 in connection with Crime No.66/2018 registered at P.S. - Chhal, District Raigarh, Chhattisgarh for the offence under Section 323, 392/34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 20-05-2018. No case is made out against them according to the material present in the case diary. In fact, complainant Harish Chandra is driver of the truck which had dashed against a cow, because of which, the applicants had stopped the truck and there had been an incident of marpeet only. The complainant has lodged a

totally false FIR against these applicants. Hence, it is prayed that the applicants may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that these applicants have criminal history of having been prosecuted for various offences under the provisions of the IPC. Hence, they are not entitled for grant of bail.

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

5. According to the prosecution case, on the date of incident complainant Harish Chandra, driver of the truck was stopped by these applicants. He was thrashed and then cash of Rs.12,000/-, one pressure jack, one mobile, one tap-recorder, one bag and the key of the truck were looted by them, regarding which the FIR has been lodged.

6. Considered on the material present in the case diary. The investigation appears to have been completed, the case is triable by the JMFC, all the applicants are local residents of Tahsil Kharsiya, District Raigarh, hence, for these reasons, I am of this view that these applicants should be granted regular bail.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants 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 Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**