

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5242 of 2018

1. Padam Sethiya, S/o. Bhawani Sethiya, Aged About 38 Years, Caste Sundi, R/o. Ghatpadmur, Durkigudapara, Police Station Parpa, District Bastar, Chhattisgarh.
2. Mahesh Sethiya, S/o. Bhawani Sethiya, Aged About 20 Years, Caste Sundi, R/o. Ghatpadmur, Durkigudapara, Police Station Parpa, District Bastar, Chhattisgarh.

---- Applicants

Versus

The State Of Chhattisgarh Through The Police Station Padam, Civil And Revenue District Bastar, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Punit Ruparel, Advocate
For Respondent	:	Mr. Vinod Tekam, P.L..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/08/2018

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.97/2018, registered at Police Station- Parpa, District – Bastar (C.G.) for the offence punishable under Section 294, 506 & 427 of the Indian Penal Code and Section 3 (1) (iv) (v) of S.C. & S.T. (Prevention of Atrocities) Act..
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 27.06.2018. Charge-sheet in this case has been filed after completion of investigation. No case is made out against them according to the material present in the charge-sheet. Hence, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.

5. On the date of incident, the applicant had called the JCB machine in the village, the complainant Madno, who is member of scheduled tribe has objected the calling of JCB machine, thereafter, it is alleged that the applicants abused and threatened him and also called the complainant by his caste name with intention to insult him.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary, 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 Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a 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