

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5085 of 2018**

Smt. Ganga Sahu W/o Shesh Dev Sahu Aged About 35 Years R/o Village - Padigaon , Police Station - Tamnar District Raigarh, At Present - Transport Nagar Ambedkar Aawash 29 Chouki Jootmi Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent**And****M.Cr.C. No. 5711 Of 2018**

Chandan Singh @ Pappu Singh Rajput S/o Upendra Singh Rajput Aged About 29 Years R/o- Kaidimuda, Outpost Jute Mill, Police Station City Kotwali, Raigarh, District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Applicant**Vs**

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

---- Respondent

For the Applicants	:	Shri Manoj Paranjpe and Shri Sanjay Agrawal, Advocates.
For the Respondent/State	:	Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.08.2018**

Heard.

1. Both these applications are being decided by this common order as they arise from the similar matter. 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.215 of 2017, registered at Police Station Tamnar, District – Raigarh, Chhattisgarh for the offence punishable under Sections 147, 148, 294, 506, 323 and 307/34 of the Indian Penal Code and Sections 3(2)(5) and 3(1)R.S. of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicants submit that the applicants are falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. In fact, it had been a case of free fight because the applicants had sowed the land in dispute on which the complainant party was harvesting the crop. None of the complainant party has received any fatal injury and presently, the case is pending before the trial Court. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

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

5. It is alleged that on the date of incident, the applicants and the co-accused persons on account of land dispute assaulted complainant – Barat Rathiya and others with clubs, axes and swords and causing injuries to them. Hence, this case.

6. As submitted by counsel for the applicant, a counter case has been registered against the complainant and others on the basis of FIR lodged by

Sheshdev Sahu, who is one of the accused in this case and also on perusal of the contents of the case-diary, none of the injured persons has suffered any fatal injuries. Hence, for these reasons, I am of the considered opinion that the applicants deserve to be released on bail.

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

8. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge