

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5013 of 2018

1. Rakesh Verma S/o Mithlesh Verma, Aged About 26 Years, R/o Surdung, Police Station Jamul, District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Bhuneshwar Singh Thakur S/o Laxman Singh Thakur, Aged About 32 Years, R/o Surdung, Police Station Jamul, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jamul, District Durg Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicants – Shri Prateek Sharma, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-08-2018

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 04-06-2017 in connection with Crime No.298/2017 registered at P.S. - Jamul, District Durg, Chhattisgarh for the offence under Section 436/34 of the IPC and Section 3, 6 of Prevention of Damages to Public Property Act, 1984.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 04-06-2017. No case is made out against them. The main eye-witness in this case has been examined before the trial Court who has not supported the prosecution case. It is also submitted that co-accused Rakesh Dewangan has been granted bail by this Court in MCRC No.1216/2018 vide order dated 17-04-2018, these applicants are similarly placed, hence, it is prayed that the applicants may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The case against these applicants is this, that on the date of incident these applicants along with co-accused persons set ablaze a city bus bearing registration No.C.G.-07-E-1447 causing damage to the public property. Hence, this case.
6. After considering on the material present in the case diary and also considering this fact that the main witnesses in this case have not supported the prosecution case and similarly placed co-accused has been granted bail by this Court, I am of this opinion that these applicants should also 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