

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5779 of 2018

- Miliyan Minj And Anr. S/o Nikolas Minj Aged About 28 Years R/o- Bachhraon, Police Station Narayanpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
- Daud Kujur S/o Late Samvel Kujur Aged About 65 Years R/o- Bachhraon, Police Station Narayanpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Bagicha, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

AND

MCRC No. 5615 of 2018

- Miliyan Minj & Anr. S/o Nikolas Minj Aged About 28 Years R/o- Bachhraon, Police Station Narayanpur, District- Jashpur, Chhattisgarh.
- Daud Kujur S/o Late Samvel Kujur Aged About 65 Years R/o- Bachhraon, Police Station Narayanpur, District- Jashpur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Bagicha, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant (in MCRC 5615/2018) :	Mr. Manoj Chouhan, Advocate
For Applicant (in MCRC 5911/2018) :	Mr. Manoj Chouhan, Advocate
For Respondent :	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

21/08/2018

1. Since the applicants in both the cases are same and the offences registered against them are also same, therefore, both the cases are

heard and disposed of by this common order.

2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime Nos. 66/2018 & 67/2018 registered at Police Station- Bagicha, Distt. Jashpur (C.G.) for the offence punishable under Sections 341, 147, 149, 294, 353, 186, 120(B), 109, and 117 of the Indian Penal Code.
3. As per prosecution story on 28/04/2018, a meeting of members of Tribal Community was held in village in connection with interpretation of the 5th Schedule of the Constitution and a peaceful rally was organized. Complainant and police officials were deployed in the said rally to ensure that the said rally is held peacefully. However, the rally turned aggressive and violent and when the complainants of both the cases tried to control the rally, they were assaulted with the intent to deter them from discharging their official duty. Hence, on receiving of complaints, offences were registered under both the crime numbers and the applicants were arrested on 01/05/2018.
4. Learned Counsel for the applicants submits that both the applicants are innocent and have been falsely implicated in the present case. It is further submitted that according to the material available in the case diaries, it is apparent that the applicants were not the persons who had participated in the commission of offence and no case is made out against them. He further submits that the applicants are in jail since 01-05-2018 and trial will likely to take some time, therefore, they may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications and submits that the applicants have assaulted a public servant with intent to deter them from discharging their official duty and thereby committed serious nature of offence.
6. I have heard learned counsel for both the parties and perused the case diary.
7. Considering the above facts and circumstances of the case, particularly considering the fact that offence is triable by JMFC, charge-sheets have already been filed and the applicants are in jail since 01-05-2018, without further commenting on merit of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing personal bond for a sum of Rs.10,000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge