

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6882 of 2018**

1. Dilchand Sahu, S/o Bhagau Ram Sahu, aged about 22 years.
 2. Dilip Sahu, S/o Bhagau Ram Sahu, aged about 34 years.
- Both are resident of Village Bilari, Police Station Pamgarh, District Janjgir
Champa (CG). **---- Applicants**

Versus

State of Chhattisgarh, through Police Station Pamgarh, District Janjgir
Champa (CG). **---- Non-applicant**

For Applicants : Mr. Ravindra Sharma, Advocate.

For Non-applicant : Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no other bail applications are pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.23/2018 registered at Police Station Pamgarh, District Janjgir Champa for the offence punishable under Sections 341, 294, 506 (B), 323/34 of IPC and Sections 3 (2)(5a) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution, in brief is that complainants are the members of Scheduled Caste. The present applicants are neither the members of Scheduled Caste nor members of Scheduled Tribe. On 21.08.2018 complainant Jamuna Kathe and her brother Amrit Lal Kathe were going from Pamgarh to Bhadra at that time applicants restrained and abused them and gave threatening to kill them. The applicants had beaten to complainant Amrit Lal by hand and club due to which he got injuries on his body. The injuries of the complainant Amrit Lal were found

simple in nature.

4. Counsel for the applicants submits that the applicants have not committed any offence. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants and submits that one criminal case under Section 376 of IPC and under of Scheduled Caste and Scheduled Tribe Act have already been registered against Applicant No.1-Dilchand Sahu and no criminal antecedent is reported against Applicant No.2-Dilip Sahu in police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant No.1- Dilchand Sahu furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- each to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial , he shall be released on bail.
10. It is directed that if the applicant No.2-Dilip Sahu furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE