

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7681 of 2018**

1. Ramkaran, S/o Chainsai, aged about 40 years, Occupation- Labourer.
2. Dev Kumar, S/o Ramkaran, aged about 20 years, Occupation- Labourer.
3. Chainsai S/o Patrainga, aged about 65 years, Occupation- Labourer,

All belong to caste Ghasi (Schedule Caste) R/o Village- Balrampur, P.S. Rajpur, Out Post- Bariyon, District- Balrampur- Ramanujganj, (C.G.)

---- Applicants

Versus

- State of Chhattisgarh Through- Out Post Incharge Bariyon, P.S- Rajpur, District- Balrampur- Ramanujganj, (C.G.).

---- Respondent

For Applicant	: Shri Rakesh Pandey, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/11/2018

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 85/2018, registered at Police Station – Out Post Incharge Bariyon, P.S- Rajpur, District- Balrampur- Ramanujganj, (C.G.), for the offence punishable under Sections 147, 148, 149, 294, 506, 323 of IPC and Section 25 and 27 of Arms Act.
2. As per the prosecution story, on 29.06.2018, Complainant namely Mohd. Iqbal, lodged a report against the Applicants wherein it was stated that the present Applicant No. 01 Ramkaran alongwith other co-accused were forcefully ploughing the land which belongs to one Naveen Kotwar. When Applicants were prohibited from ploughing the land, they assaulted the complainant with sword, axe and sticks. On the basis of the said report, offence has been registered against the

present Applicants. Applicant No. 01 and 03 were taken into custody on 19.09.2018 and Applicant No. 02 was arrested on 18.09.2018.

3. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further states that two other co-accused persons in the same case have been granted anticipatory bail passed in M.Cr.C (A). No. 995/2018 by this Court. Applicant No. 01 and 03 are in custody since 19.09.2018 and Applicant No. 02 since 18.09.2018 and trial will take some time. Therefore, they may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the detention period and fact that Applicant No. 01 and 03 are in custody since 19.09.2018 and Applicant No. 02 since 18.09.2018 and two other accused persons have already been granted anticipatory bail and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge

Prakash