

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 7387 OF 2017

1. Dwarika Prasad Rathore, S/o Late Sukhen Rathore, aged about 21 years
2. Rohit Yadav, S/o Jyantri Yadav, aged about 21 years,
Both R/o Village- Sivni, P.S. & Tah. Champa, District Janjgir-Champa (C.G.)

... Applicants

versus

State of Chhattisgarh, through S.H.O. Champa, District Janjgir-Champa (C.G.)

... Respondent

For Applicants	:	Mr. Ravindra Sharma, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/01/2018

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicants who are in jail since 1.11.2017 in connection with Crime No. 13/2017 registered at Police Station- Champa, District Janjgir-Champa, for the offence punishable under Sections 294, 323, 325, 506/34 of IPC and Sections 3(1-10), 3(1-D, DH), 3(5-K) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.
2. Learned Counsel for the Applicants submits that pending the trial before the Court below, the Complainant and the accused parties have already resolved the dispute and have compounded the offence which were compoundable and the offence which now remain are under Sections 3(1-10) and 3(5-K) of the SC/ST Act. He further submits that the Complainant meanwhile has already been examined before the trial Court and he has turned hostile and as such there is no possibility of any conviction of the Applicants in the instant case and thus prays for the Applicants to be released on bail.

3. Learned Counsel for the State does not dispute the submissions put forth by the learned Counsel for the Applicants.

4. Considering the entire facts and circumstances of the case, particularly the facts as narrated in the preceding paragraph and also considering the period of custody already undergone by the Applicants, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicants.

5. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge