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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8130 of 2017**

Deepak Yadav, S/o. Shri Mannulal Yadav, Aged About 28 Years, R/o. Ward No. 43, Basantpur Rajnandgaon, P. S. Tehsil- Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station- Dondilohara, District Balod Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 577 of 2018**

1. Ravidas Manikpuri, S/o. Rajudas Manikpuri, Aged About 28 Years,
2. Gopal Bandheraj, S/o. Dharampal Bandheraj, Aged About 24 Years,
3. Kuleshwar Yadav, S/o. Late Naresh Yadav, Aged About 27 Years,

All the applicants are R/o. Ward No. 43, Basantpur, P.S. and Tehsil Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Dondilohara, District-Balod Chhattisgarh.

---- Respondent

For Applicants	: Mr. Surfaraj Khan, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/03/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and

the incident.

2. This is the first bail application of the applicant – Deepak Yadav (in M.Cr.C. No.8130 of 2017) and the second bail application of the applicants (in M.Cr.C. No.577/2018) filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.218/2017, registered at Police Station –Dondilohara, District – Balod (C.G.) for the offence punishable under Section 186, 294, 332, 353, 506/34 of the Indian Penal Code. The first bail application of the applicants (in M.Cr.C. No.577/2018) is dismissed as withdrawn without consideration on merits.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them on the basis of the material present in the charge-sheet filed against them. Applicants are in jail since 04.12.2017, the case is triable by JMFC, hence, it is prayed that they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant Deepak Yadav (in M.Cr.C. No.8130/2017) has criminal history having three proceedings of preventive nature under the Code of Cr.P.C. and three previous cases under the provisions of Indian Penal Code, hence, he is not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.

6. On the date of incident, the complainant Piyushkant Chandrakar, trainee Sub-inspector on receiving information about the incident arrived at the spot and saw that six persons were assaulting one person named Naeem Siddiqui. As the complainant intervened in the matter, the applicant Deepak Yadav manhandled the complainant and caused injuries to him and the other applicants were also present on the spot. After lodging of FIR, the case has been registered and charge-sheet has been filed after completion of investigation.
7. Considered the submissions made and the contents of the case diary. As the case is triable by Judicial Magistrate First Class, the applicants are in jail since 04.12.2017, and no purpose would be served, if the, applicants are kept in detention till the conclusion of trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge