

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8371 of 2018

1. Bhan Singh Lahre S/o Jethua Lahre, Aged About 65 Years, R/o Village Billi Band, P.S. Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Smt. Vishakha Bai W/o Bhan Singh Lahre, Aged About 60 Years, R/o Village Billi Band, P.S. Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Ramnarayan @ Suresh Lahre S/o Bhan Singh, Aged About 34 Years, R/o Village Billi Band, P.S. Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
4. Ganesh Ram Lahre S/o Bhan Singh, Aged About 32 Years, R/o Village Billi Band, P.S. Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
5. Ravishankar Lahre S/o Bhan Singh Lahre, Aged About 25 Years, R/o Village Billi Band, P.S. Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P.S. Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants– Shri Raj Kumar Gupta, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-11-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 05-12-2017 in connection with Crime No.400/17 registered at P.S. - Kota, District- Bilaspur, Chhattisgarh for the offence under Section 147, 148, 328, 302 of the IPC.
2. This is repeat bail application. The earlier application, MCRC No.2483 of 2018 was rejected on merits on 25-06-2018 by this Court.
3. At the outset, learned counsel for the applicants seeks permission to withdraw the application for applicant No.1 Bhan Singh Lahre, applicant No.3 Ramnarayan @ Suresh Lahre and applicant No.5 Ravishankar Lahre.

4. Accordingly, the prayer made by applicant No.1, applicant No.3 and applicant No.5 for grant of regular bail in this application, are rejected as withdrawn.

5. Learned counsel for applicant No.2 Smt. Vishakha Bai and applicant No.4 Ganesh Ram Lahre submits that these applicants have been falsely implicated in this case. They have not played any role in the said commission of offence. The witnesses who have been examined before the Court have not made any direct imputation against these applicants, deposition of those witnesses are filed along with the application. Hence, it is prayed that these applicants may be granted regular bail.

6. Learned counsel for the State/non-applicant opposes the application of these applicants submitting that earlier first application of these applicants has been dismissed on merits and there is no ground for their release on bail at this stage. Hence, the application may be rejected.

7. Heard learned counsel for the parties and perused the documents.

8. After perusal of the copy of the deposition of eye-witness Aman Kumar Patle, it appears that there is some change in circumstances in favour of these applicants, hence, I feel inclined to grant regular bail to applicant No.2 Smt. Vishakha Bai and applicant No.4 Ganesh Ram Lahre.

9. Consequently, the prayer made by applicant No.2 Smt. Vishakha Bai and applicant No.4 Ganesh Ram Lahre under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that these applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge