

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8379 of 2018

1. Sukhram S/o Heeraman Gond Aged About 26 Years R/o Village Barpatiya, Tahsil Pratappur, District - Surajpur, Chhattisgarh.
2. Dakhal S/o Late Baldev Aged About 48 Years Caste - Gond, R/o Village Barpatiya, Tahsil Pratappur, District - Surajpur, Chhattisgarh.
3. Rajesh S/o Heeraman Gond Aged About 30 Years R/o Village Barpatiya, Tahsil Pratappur, District - Surajpur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Sation Ramkola, District - Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

AND

MCRC No. 8414 of 2018

1. Manbodh S/o Late Shri Ransai Gond Aged About 50 Years R/o Village- Barpatiya, Tahsil- Pratappur, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh
2. Ramjeet S/o Mangal Sai Gond Aged About 25 Years R/o Village- Barpatiya, Tahsil- Pratappur, District- Surajpur, Chhattisgarh.
3. Akhilesh S/o Shiv Prasad Aged About 29 Years R/o Village- Barpatiya, Tahsil- Pratappur, District- Surajpur, Chhattisgarh.
4. Sonsai S/o Jag Sai Gond Aged About 27 Years R/o Village- Barpatiya, Tahsil- Pratappur, District- Surajpur, Chhattisgarh.
5. Jay Singh S/o Adhin Gond Aged About 29 Years R/o Village- Barpatiya, Tahsil- Pratappur, District- Surajpur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station- Ramkola, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicants (in MCRC 8379/2018): Mr. V.K. Pandey, Advocate
For Applicants (in MCRC 8414/2018): Mr. V.K. Pandey, Advocate
For Respondent : Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

22/11/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 16/2018 registered at Police Station- Ramkola, Distt. Surajpur (C.G.) for the offence punishable under Sections 294, 323, 506-B, 147, 148, 149 & 307 of the IPC.
3. As per prosecution story, on 25-08-2018 at about 8 AM, complainant Ram Sundar Yadav was plugging the forest land possessed by him, his relative and family members were also in the field, allegedly present applicants along with other co-accused person reached there and assaulted them due to which they sustained injuries. On the basis of above, report was made and offence has been registered. The applicants are in custody since 22.09.2018.
4. Counsel for the applicants submits that all the applicants are innocent and have been falsely implicated in the present case. He further submits that name of the applicants Manbodh, Ramjeet, Akhilesh, Sonsai and Jay Singh have not been mentioned in the first information report and there is nothing on record on the basis of which *prima facie* offence under Section 307 can be made out against the applicants,

they are in custody since 22.09.2018 and trial will take some time to conclude, therefore, the applicants may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly considering the fact that the applicants are in custody since 22/09/2018 and trial will likely to take some time to conclude, without further commenting on merits of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications are allowed.
9. 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 local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

**Sd/-
(Arvind Singh Chandel)
Judge**