

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 253 of 2019**

1. Babulal Gond, son of Gopal Gond, aged about 68 years, Caste Gond.
2. Laxmi Prasad Gond, aged about 26 years, son of Babulal, Caste Gond.

Both are resident of village Chorbhatti, Police Station Mulmula, Civil & Revenue District Janjgir Champa (CG). **---- Applicants**

Versus

State of Chhattisgarh Through Station House Officer, Police Station Mulmula, Civil & Revenue District Janjgir Champa (CG). **---- Non-applicant**

For Applicants : Mr. Ravi Maheshwari, Advocate.
For Non-applicant : Ms. M.Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.191/2018 registered at Police Station Mulmula, District Janjgir Champa for the offence punishable under Sections 147, 148, 149, 332, 186, 353, 427 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 16.12.2018 in between 7:30 to 8:30 a.m. at village Chorbhatti, the applicants and other co-accused assaulted the police officers and caused injury to the complainants Sub-Inspector Kishnu Prasad, S.H.O. Baij Kumar and constables Komal, Rajendra Kumar, Shailendra Rathore & Jaiprakash by wooden, club and sickle. Injuries were found simple in nature. The applicants have damaged the motorcycles of the complainants Mahadev Sahu, Santosh Bhanu and Rajendra Kumar Kehra.
4. Counsel for the applicants submits that the applicants have not committed any offences. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicants in police case diary.

6. Looking to the above mentioned facts and circumstances of the case and looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Accordingly, the bail application is allowed.
7. It is directed that if the applicants furnish two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not involve any such type of crime in future.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-