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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 901 of 2019**

1. Luthru Ram S/o Kuma Aged About 32 Years R/o Manoharpur, P. S. Shankargarh, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh
2. Smt. Bhangoli W/o Madhav Aged About 50 Years R/o Manoharpur, P. S. Shankargarh, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Shankargarh, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 1127 Of 2019**

1. Luthru Ram S/o Kuma Aged About 32 Years R/o Manoharpur, Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Smt. Bhangoli W/o Madhav Aged About 50 Years R/o Manoharpur, Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Jitendra Shrivastava, Advocate.
For the Respondent/State	:	Ms. Madhunisha Singh and Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.02.2019**

1. The applicants are arrayed as accused in Crime No. 20 of 2016 and the FIR was lodged by one – Anil Yadav and in Crime No. 21 of 2016, the FIR was lodged by Sub-Inspector – Dilbag Singh. Both these applications

are decided by a common order as they arise from the same incident. These are the first bail applications of the applicants 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 Nos.20 of 2016 and 21 of 2016, registered at Police Station Shankargarh, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 294, 506B, 323, 341, 307, 427 and 435 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in these cases. These applicants were simply present on the spot of the incident and they have not participated in the commission of offence. Similarly placed co-accused persons have been granted bail by this Court. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State oppose the bail applications and the arguments submitted in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. In Crime No. 20 of 2016, complainant – Anil Yadav, a private party has lodged FIR. On the date of incident because of the aggression of the applicants and other co-accused persons he had to take shelter in the house of Rashid and thereafter, the police party arrived and intervened.

In Crime No. 21 of 2016, complainant – Dilbag Singh has alleged that when the police party came to rescue complainant – Anil Yadav, the

applicant and the co-accused persons formed an unlawful assembly and attacked the police party because of which, the police had to open fire in which one person has shot dead.

6. After considering the facts and circumstances of the case and taking into consideration the fact that similarly placed co-accused persons have been granted regular bail by this Court, I feel inclined to grant regular bail to all the applicants in both the cases.

7. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge