

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2186 of 2019**

1. Rajani Singh wife of Vedprakash Singh, aged about 24 years.
  2. Devla Bai Dewar, wife of Fagu Ram Dewar, aged about 55 years.
  3. Fagu Ram Dewar, son of Nangaihiya Dewar, aged about 58 years.
- All are resident of village Karmada, P.S. City Kotwali, Balodabazar, District Balodabazar Bhatapara (CG). **---- Applicants**

**Versus**

State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, Balodabazar, District Balodabazar Bhatapara (CG) **---- Non-applicant**

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For Applicants : Mr. S.P. Verma, Advocate.  
 For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

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**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**

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**10.04.2019**

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.147/2019 registered at Police Station City Kotwali, Balodabazar, District Balodabazar Bhatapara for the offence punishable under Sections 147, 148, 212, 294, 332, 353 & 506-B of Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Mahesh Bharti is working as Head Constable and posted at City Kotwali, Balodabazar. On 09.03.2019, he received an information that accused Aarti Dewar has concealed herself in the house of her father namely Fagu Ram i.e. applicant No.3. Against her, arrest warrant has been issued. When the said complainant and other officials went to near the house of applicant No.3-Fagu Ram, the present applicants abused them and gave threatening to kill them. The applicants beat the said complainant by wooden club and stone. The applicants also torn the uniform of said complainant. As per MLC report of said complainant, one lacerated wound was found on his body and injury was simple in nature.
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. He submitted that one case under IPC has been registered against applicant

No.1-Rajani Singh, one case under IPC has been registered against applicant No.2-Devla Bai Dewar and six criminal cases, out of which, three cases under IPC and three cases under CrPC have already been registered against applicant No.3-Fagu Ram Dewar in police case diary.

6. Looking to the above mentioned facts and circumstances of the case, the bail application of the applicant No.1-Rajani Singh and applicant No.2-Devla Bai Dewar is allowed. It is directed that if the applicants No.1 & 2 furnish two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs.50,000/- each 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.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that six criminal cases have already been registered against the applicant No.3-Fagu Ram Dewar, this Court is not inclined to give benefit of Section 439 of CrPC to him. Accordingly, his bail application is rejected.
8. Certified copy as per rules.

**Sd/-**

(Sharad Kumar Gupta)  
**JUDGE**

L/-