

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3501 of 2019**

1. Neelkanth Chandrakar S/o Gajju Chandrakar Aged About 52 Years
2. Bhushan Dhruw S/o Bhagwan Singh Dhruw Aged About 35 Years
3. Chhannulal S/o Rambagas Chandrakar Aged About 35 Years,

All are R/o Village Baldakachhar, Thana Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Kasdol District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.
---- Respondent

For the Applicants	:	Shri Deepak Jain, Advocate
For the State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**18/06/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. At the outset counsel for the applicants submitted that he wants to withdraw the bail application of applicant No. 1 Neelkanth Chandrakar with liberty to file subsequent bail application after examination of the complainant Kuldeep Sharma.
3. Permission as prayed for is granted.
4. Bail application of applicant No. 1 Neelkanth Chandrakar is dismissed as withdraw with liberty as aforesaid.
5. Now, the bail applications of applicant No. 2 Bhushan Dhruw and Chhannulal would be continued.
6. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.347/2018 registered at Police Station Kasdol, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 294, 506, 323, 435, 307/34 and 394 of IPC.
7. Case of the prosecution, in brief is that complainant Kuldeep Sharma had the contract for sand excavation from Gram Panchayat Baldakachhar. On 20/07/2018 at Baldakachhar applicant Bhushan Dhruw, Chhannulal, co-accused Neelkanth and Rameshwar Sahu reached there. They abused the complainant and beat him and his companions Sourabh Gupta by hands, clubs, rods and sickles. They also sat her vehicle on fire.

8. Learned counsel for the applicants submits that they are innocent and falsely implicated in the present case, therefore, they may be released on bail.
9. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
10. As per the photocopy of the order of co-ordinate Bench passed on 01/05/2019 in MCRC No. 2345/2019 co-accused Rameshwar Sahu has been released on bail. The case of applicants Bhushan Dhruw and Chhannulal is not more severe than the co-accused Rameshwar Sahu, thus it is ordered that if the applicants **Bhushan Dhruw** and **Chhannulal** furnishes two solvent sureties for a sum of Rs. 25,000/- each along with one personal bond of Rs. 50,000/- each to the satisfaction of the trial Court concerned with a condition that they will not commit any such type of offence in future, they shall be released on bail.
11. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde