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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3715 of 2019**

1. Govinda S/o Shri Ram Gopal Aged About 25 Years Caste- Suryawanshi, R/o Village- Nariyara, Police Station- Mulmula, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.
2. Durgesh S/o Late Aatma Ram Aged About 21 Years Caste- Suryawanshi, R/o Village- Nariyara, Police Station- Mulmula, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Pamgarh, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 3718 Of 2019**

1. Govinda S/o Shri Ram Gopal Aged About 25 Years Caste- Suryawanshi, R/o Village- Nariyara, Police Station- Mulmula, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.
2. Durgesh S/o Late Aatma Ram Aged About 21 Years Caste- Suryawanshi, R/o Village- Nariyara, Police Station- Mulmula, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Pamgarh, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 3719 Of 2019**

1. Govinda S/o Shri Ram Gopal Aged About 25 Years Caste- Suryawanshi, R/o Village- Nariyara, Police Station- Mulmula, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.
2. Durgesh S/o Late Aatma Ram Aged About 21 Years Caste- Suryawanshi, R/o Village- Nariyara, Police Station- Mulmula, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Pamgarh, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For the Applicants : Shri Paras Mani Shriwas, Advocate.
For the Respondent/State : Shri Vikram Dixit, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

29.07.2019

Heard.

1. All these applications are being decided by this 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.76 of 2019, 18 of 2019 and 66 of 2019, registered at Police Station – Pamgarh, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 324, 307, 435, 436 and 457/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 14.2.2019, they have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicants be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that there is clear admission made by the applicants that they had set fire to the properties of these complainants in all respective cases. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

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

5. In Crime No. 76 of 2019 related to M.Cr.C. No. 3715 of 2019, the case of the prosecution is that on 12.2.2019, the house of complainant – Monika Lahare was set ablaze by some unknown persons. During investigation, it was discovered that applicant No.2 – Durgesh had sent a proposal for marrying the daughter of the complainant, which was refused because of which, he had a motive. Thereafter, the FIR has been lodged and the case has been registered against the applicants.

In Crime No. 18 of 2019 related to M.Cr.C. No. 3718 of 2019, the case of the prosecution is that on the intervening night of 12 and 13th January, 2019, three numbers of motorcycles which were kept outside the house of complainant – Vimal Kumar Dahire were set to fire by some unknown persons. During investigation, it was revealed that the applicants had motive against the complainant and thereafter, confessional statement before the police has been made the ground for registration of the case against the applicants.

In Crime No. 66 of 2019 related to M.Cr.C. No. 3719 of 2019, the case of the prosecution is that in the night of 28.1.2019, the house of complainant – Vandana Dantan was set ablaze by some unknown persons. After lodging of FIR and during investigation, it was found that the applicants had some motive against the complainant and further, on the basis of the confessional statement they have been arrayed as an accused in this case.

6. After perusing the evidence that is proposed against the applicants for the prosecution in this case and looking to the length of detention they have undergone in jail, I feel inclined to grant regular bail to the applicants in all the cases.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants in all 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