

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3831 of 2019

1. Uttam Sahu S/o Shri Tarachand Sahu, Aged About 20 Years, R/o Adarsh Nagar, Bhalesar Road, Mahasamund, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Office, Police Station Mahasamund, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

MCRC No. 3887 of 2019

1. Suman Sendre S/o Shri Kaliya Sendre, Aged About 23 Years, R/o Subhash Nagar, Swiper Colony, Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through Station House Office, Police Station Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicants – Shri Raghavendra Pradhan, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-07-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.231/2019 registered at P.S. Mahasamund, District- Mahasamund, Chhattisgarh, for the offence under Sections 394/34 of the IPC, they are being decided by this common order.

2. Applicant Uttam Sahu (applicant in MCRC No.3831 of 2019) and applicant Suman Sendre (applicant in MCRC No.3887 of 2019) have been arrested on 30-05-2019 in connection with aforesaid crime number and offence, hence, they have filed these applications for grant of regular bail, which are their first bail application before this Court.

3. It is submitted by learned counsel for the applicants that both the applicants are members of Bajrang Dal and were checking transport vehicles looking for the transportation of cattle for slaughter, then they had some argument and manhandling with the witnesses of this case. Thereafter, the false FIR has been lodged by the complainant making allegations of robbery against these applicants, which is without any basis. In later on development, the complainant has himself given affidavit before the Court below making a statement that no such incident has taken place and on account of some misunderstanding the FIR has been lodged which does not have any truth in it. This statement of the complainant has not been considered by the Court below. Therefore, it is prayed that the applicants may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications.

5. Heard learned counsel for the parties and perused the case diary.

6. The FIR has been lodged against these applicants that they had stopped the transport vehicle and after assaulting the driver of the said vehicle looted cash of Rs.6000/-, two numbers of mobile phone and key of the said vehicle and some recoveries have been made during investigation.

7. Considered on the material present in the case diary. On perusal of the rejection order in this case, it appears that there is mention of the affidavit filed by complainant Santosh Gupta in which he has denied the occurrence of the incident which is alleged against these applicants. Hence, after overall consideration and for the reason that there is likelihood of delay in trial, I feel inclined to allow both these applications.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like

sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil