

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4032 of 2019**

1. Ramdhan Sharthi S/o Nanki Aged About 40 Years R/o Kachhar Police Station Pathalgaon, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
2. Sagar S/o Jageshwar Aged About 19 Years R/o Ludeg Tahsil, Pathalgaon District - Jashpur Chhattisgarh.
3. Sameer S/o Jagmohan Aged About 20 Years R/o Ludeg Tahsil, Pathalgaon District - Jashpur Chhattisgarh.
4. Basant S/o Navratna @ Narottam Aged About 23 Years R/o Ludeg Tahsil, Pathalgaon District - Jashpur Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station - Pathalgaon District Jashpur Raigarh Chhattisgarh.

---- Respondent

For the Applicants : Shri Awadh Tripathi, Advocate.
 For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****31.07.2019**

Heard.

1. This is the first bail application 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 No.73 of 2019, registered at Police Station – Pathalgaon, District – Jashpur, Chhattisgarh for the offence punishable under Section 394/ 294 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 12.4.2019 and 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. In fact, there had been a dispute between the complainant and the applicants regarding overtaking of the vehicles. As the complainant is a practicing advocate, he has misused his profession and lodged a false FIR against the applicants. Further, there is a possibility of compromise of the applicants with the complainant. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence against the applicants regarding the commission of offence as alleged. Hence, no case is made out for grant of regular bail to the applicants.

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

5. According to the prosecution case, on the date of incident, the applicants engaged with the complainant in a dispute regarding overtaking of vehicles. It is alleged that the applicants abused and assaulted the complainant and thereafter, also looted Rs.9,500/- from his possession. Hence, this case.

6. After considering the entire material present in the case-diary and further, the case is now pending for trial before the trial Court, I feel inclined to grant regular bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 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