

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4075 of 2019**

1. Dhananjay Kumar Ratre S/o Kripashankar Ratre Aged About 31 Years
2. Rajesh Kumar Ratre S/o Rameshwar Ratre Aged About 24 Years
3. Sant Ram Aditya S/o Ramdayal Aditya Aged About 61 Years

All R/o Village - Sukulpara, Kharoud, Police Station Shivrinarayan,
Tahsil Pamgarh, District Janjgir Champa Chhattisgarh

---Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Shivrinarayan, District Janjgir-Champa Chhattisgarh

---- Respondent

For applicants	Mrs. Madhunisha Singh, Adv.
For Respondent/State	Mr. D.K. Tiwari, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13-8-2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. Counsel for the applicants submits that she wants to withdraw the bail application of applicant No. 1 Dhananjay Kumar Ratre and applicant No. 3 Sant Ram Aditya.
3. As prayed, bail application of applicant No. 1 Dhananjay Kumar Ratre and applicant No. 3 Sant Ram Aditya is dismissed as withdrawn.
4. The applicant No. 2 Rajesh Kumar Ratre has been arrested in connection with Crime No. 222/2019 registered in police station Shivrinarayan, Distt. Janjgir Champa (CG) for offence punishable under Section 147, 294, 506, 353, 186, 332, 34 of I.P.C.
5. Prosecution story in brief is that on 4-6-2019 at about 15.00 pm applicant No. 2 Rajesh Kumar Ratre and his associates were protesting against the death of one Raja Sidar at Devri Turn, village Kharaud. The applicant No. 2 Rajesh Kumar Ratre and his associates obstructed official duty of police personnel, abused them, threatened to kill them, caused injuries on the body of complainant Head Constable Narendra Shukla by club and stone. He sustained simple injury.
6. Counsel for applicants argued that the applicant No. 2 Rajesh Kumar Ratre is innocent and falsely implicated hence he be released on bail.

7. On the other hand, the State counsel opposed the bail application. However he submits that no criminal antecedent is reported against applicant No. 2 Rajesh Kumar Ratre in the police case diary.
8. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to applicant No. 2 Rajesh Kumar Ratre. Consequently, his application is allowed. It is ordered that if applicant No. 2 Rajesh Kumar Ratre furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial and will not repeat the offence in future, he be released on bail.
9. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge