

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4969 of 2019

1. Ramsai, S/o. Charkuram, Aged About 66 Years,
 2. Kanahaiya Lal Chouhan, S/o. Ramsai Aged About 32 Years,
- Both R/o. Village Goghar Basen Tahsil Bagicha, District Jashpur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Police Station Kansabel, District Jashpur Chhattisgarh.

---- Respondent

For Applicants : Mr. Sanjay Agrawal, Advocate

For Respondent/State : Mr. Kapil Maini, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/08/2019

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.87/2019, registered at Police Station – Kansabel, District – Jashpur (C.G.) for the offence punishable under Section 294, 506B, 323/34, 452, 354B of the Indian Penal Code and Section 4, 5 of the Chhattisgarh Tonahi Pratadna Nivaran Adhiniyam, 2005.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are

in jail since 17.07.2019. No case is made out against these applicants. The applicants and the complainant have previous enmity on account of civil dispute between them and on the date of incident, the dispute that took place was of simple manhandling and abuse regarding which FIR was lodged on the same day i.e. on 02.07.2019 and offence under Section 294, 506, 323/34 of I.P.C. were registered against the applicants. However, to aggravate the offence against the applicants, subsequent statement was given by Amasi Mahanandi under Section 164 of Cr.P.C. making additional statement regarding outraging modesty and house trespass and for offence under Section C.G. Tonahi Pratadna Nivaran Adhiniyam, 2005, which is purely an act of enmity and vengeance against the applicants. Therefore, it is prayed that the applicants may be enlarged on regular 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 according to the statement of the victim Amasi Bai under Section 164 of Cr.P.C., no case is made out for grant of bail.
4. According to the prosecution case, on the date of incident a dispute took place between the applicants and the complainant party in which it is alleged that these applicants abused, threatened and caused simple injuries to the complainant and others. FIR was lodged on 02.07.2019 registering the offence under Section 294, 506-B, 323/34 of the Indian Penal Code. Later on, on the basis of the statement of the complainant Amasi Bai on 07.07.2019, the offence under Section 354, 452 of the Indian Penal Code and Section 4 & 5 of C.G. Tonahi Pratadna Nivaran Adhiniyam, 2005 has been added. Hence, this case.

5. Considered on the submissions made and the contents of the case diary. Considering that there is no requirement to keep these applicants in continuous detention and also looking to the development that has taken place in the investigation after additional statement given by one of the victim of this case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicants shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge