

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4955 of 2019**

Smt. Shankarmati Yadav W/o Mahes Yadav Aged About 35 Years R/o Village - Dumarpara, Police Station Baradwar, Tehsil - Sakti, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 5075 of 2019**

Smt. Satkunwar D/o Nanku Prasad Aged About 40 Years R/o Dumarpara, Police Station Tahsil Sakti, District Janjgir - Champa Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Police Station - Baradwar, District Janjgir - Champa Chhattisgarh.

---- Respondent**And****M.Cr.C No. 5377 of 2019**

Mahesh Kumar S/o Maniram Aged About 35 Years R/o Village Dumarpara, Police Station Bardwar, Tehsil Sakti, District Janjgir - Champa Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station Baradwar, District Janjgir - Champa Chhattisgarh.

---- Respondent**And****M.Cr.C No. 5379 of 2019**

Arjun Kumar Rathore S/o Umed Ram Aged About 40 Years R/o Village Jetha, Police Station Baradwar, Tehsil Sakti, District Janjgir - Champa Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station Baradwar, District Janjgir - Champa Chhattisgarh.

---- Respondent**And**

M.Cr.C No. 5382 of 2019

Tulesh Trivedi S/o Arun Kumar Trivedi Aged About 33 Years R/o Baradwar, Police Station Baradwar, Tehsil Sakti, District Janjgir Champa Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through The Station House Officer, Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Respondent

And

M.Cr.C No. 5482 of 2019

Champa Bai Banjare W/o Kritan Lal Banjare Aged About 42 Years Caste Satnami, Occupation House Wife And President Pragti Mahila Saw Sahayata Samuh, Village Dumarpara, R/o Dumarpara, Tahsil Sakti, Thana Baradwar, District Janjgir Champa, Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Police Station Baradwar, District Janjgir Champa, Chhattisgarh. (Cause title wrongly mentioned in impugned order)

---- Respondent

For the Applicants	:	Shri Vikash Pandey, Shri Kishore Narayan and Shri Rohit Sharma, Advocates.
For the Respondent/State	:	Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

28.08.2019

Heard.

1. All these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications for grant of regular bail to the applicants who have been arrested in connection with Crime No.178 of 2019, registered at Police Station – Baradwar, District – Janjgir-Champa, Chhattisgarh for the offences punishable under Sections 147, 186, 353, 427, 294 and 506 of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. Applicants – Smt. Shankarmati Yadav, Smt. Satkunwar, Mahesh Kumar, Arjun Kumar Rathore and Tulesh Trivedi in M.Cr.C. Nos.4955 of 2019, 5075 of 2019, 5377 of 2019, 5379 of 2019 and 5382 of 2019 are in jail since 11.7.2019 and applicant – Champa Bai Banjare in M.Cr.C. No. 5482 of 2019 is in jail since 5.8.2019. The applicants were in fact staging the protest with respect to opening Government Liquor Shops and sale of liquor, therefore, they have not committed any offence. They are in jail since more than one month and no purpose would be served if the applicants are kept in detention for the whole period of trial. Hence, for these reasons, the applicants are entitled for grant of 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 serious allegation is present against the applicants that they have assaulted a public servant while performing his duty. 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. According to the prosecution case, on 9.7.2019 at about 11:00 am in the morning Excise Sub-Inspector, D.K. Prajapati and his staff were present on the spot for opening the liquor shops of village Dumarpara, District Janjgir-Champa. It is alleged that the applicants and others all of sudden arrived and restrained the complainant from opening the liquor shops and thereafter, the complainant was manhandled, injured, abused and

threatened. Some damage was also caused in the liquor shops amounting to Rs.46,000/- regarding which, FIR has been lodged.

6. After considering all the facts and circumstances of this case, I feel inclined to grant regular bail to all the applicants in all the cases.

7. Accordingly, the bail applications filed under Sections 439 and 438 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