

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5163 of 2019

1. Loknath Patel S/o Ramlal Patel, Aged About 37 Years, R/o Timarlaga, Police Station Sarangarh, District Raigarh Chhattisgarh, Taluka Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

MCRC No. 5200 of 2019

1. Kanhaiya Patel @ Narendra Patel S/o Raghuvar Patel, Aged About 29 Years, R/o Village Timarlaga, Police Station Sarangarh, Taluka Sarangarh, District Raigarh Chhattisgarh District : Raigarh, Chhattisgarh
2. Haricharan Patel S/o Ramlal Patel, Aged About 40 Years, R/o Village Timarlaga, Police Station Sarangarh, Taluka Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

--- Non-applicant

For Applicant(s) – Shri Kamal Kishore Patel, Advocate (in MCRC No.5200 of 2019),
Shri T.K. Jha and Shri Ganesh Burman, Advocates (in MCRC No.5163 of 2019).

For Non-applicant/State – Shri Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-08-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.195/2019 registered at P.S. Sarangarh, District Raigarh, Chhattisgarh, for offence under Section 186, 332, 341, 353, 307, 294, 506/34 of the IPC and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, they are being decided by this common order.
2. MCRC No.5163 of 2019 has been filed under Section 439 of the Cr.P.C.

by applicant Loknath Patel for grant of regular bail as he has been arrested on 25-05-2019 in connection with aforesaid crime number and offence. MCRC No.5200 of 2019 has been filed under Section 439 of the Cr.P.C. by applicants Kanhaiya Patel @ Narendra Patel and Haricharan Patel for grant of regular bail as they have been arrested on 16-05-2019 and 28-05-2019 respectively in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for applicants in both the applications that these applicants have not committed any offence. Their name has been reflected only in the memorandum statement given by main accused Amirt Patel which simply shows that these applicants were present on the spot and it does not disclose that they have participated in any of the acts which amounts to commission of offence, apart from that, there is no evidence against these applicants and neither any eye-witness who has stated against them. Therefore, it is prayed that these applications may be allowed.

4. Learned counsel for the State/non-applicant opposes the applications submitting that the applicants are involved in commission of serious offence of attacking and assaulting a public servant at the time he was performing his duty, therefore, their applications may be rejected.

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

6. According to the prosecution case, on the date of incident complainant Mayank Chaturvedi who was Assistant Collector in District Raigarh, on the instruction of District Collector was making a survey for illegal mining and when the complainant arrived on the spot of the incident he was accosted by co-accused Amrit Patel and then one attempt was made to cause his death by making bucket of the JCB fall on the vehicle of the complainant by co-accused Haricharan. Thereafter, Amrit Patel also abused the complainant and Shivshankar Nag and threatened him. In the memorandum of co-accused Amrit Patel the name of these applicants have been reflected which shows that

these applicants were present in the place of mining. Hence, this case.

7. After considering the evidence that is present and taking into consideration the fact that there is only evidence against the applicants is memorandum statement of co-accused Amrit Patel and further the charge sheet has been filed, 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