

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5505 of 2019

- Amrit Patel, S/o Seeta Ram Patel, Aged About 37 Years (Wrongly Typed As 36 Years In The Rejection Order), R/o Timarlaga, Police Station Sarangarh, District Raigarh, Taluka Sarangarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

&

MCRC No. 5731 of 2019

- Laalsay Nishad @ Lalu, S/o Jalandhar Nishad, Aged About 21 Years, R/o Village Timarlaga, Police-Station-Sarangarh, District-Raigarh, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicants : Mr. B.D. Guru with Mr. T.K. Jha, Advocates.

For Respondent : Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/10/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. This is the second bail application filed by the applicant Laalsay

Nishad in MCRC No.5731 of 2019 under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.5205 of 2019 vide order dated 7.8.2019 was dismissed as withdrawn.

3. Both these applications under Section 439 of the Code of Criminal Procedure, 1973 are filed on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.195/2019 registered at Police Station- Sarangarh, District – Raigarh(C.G.) for the offence punishable under Sections 186, 332, 353, 307, 341, 294, 506/34 of Indian Penal Code (for short 'IPC') and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Charge-sheet has been filed, after completion of investigation. These applicants have not committed any offence. Similarly placed co-accused persons have been granted bail by this Court, therefore, it is prayed that they may be released on regular bail.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that applicant Amrit Patel in MCRC No.5505 of 2019 is the main accused in this case on whose instruction the one of the co-accused made an attempt to let fall the bucket of the JCB which is an attempt on the life of the complainant, hence, they are not entitled for grant of regular bail.
6. Heard both the parties and perused the case diary.
7. According to prosecution case, complainant is Asst. Collector, District- Raigarh was making survey for illegal mining. Upon receiving information, he arrived on the spot on the instruction, where he was

accosted by applicant Amrit Patel, who used abusive words, threatened, deterred him in performance of his official duty and also on his instruction one co-accused let fall the bucket of the JCB on the vehicle in which the complainant was trying to move, however, the bucket missed. Hence, this case.

8. After considering the all the facts and circumstance of the case and also that similarly placed co-accused persons have been granted bail, for this reason, I feel inclined to allow the application of these applicants.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge