

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7313 of 2018**

1. Anando Pal, S/o. Gyanando Pal, Aged About 21 Years, R/o. P.V.- 31, Pankhajur, District- North Bastar Kanker, Chhattisgarh.
2. Ganesh Pal, S/o. Gyanando Pal, Aged About 19 Years, Caste – Namoshudra, R/o P.V.- 31, Pankhajur, District- North Bastar Kanker, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Chhote Bathiya, District- Kanker, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 32 of 2019**

Smt. Anjana Sarkar, W/o. Bablu Sarkar, Aged About 25 Years, R/o. Village Bande Bazarpara, Police Station Bande, District North Bastar Kanker Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Chhote Bathiya, District- Kanker, Chhattisgarh.

---- Respondent

For Applicants	: Mr. P.K. Tulsyan, Advocate
For State/respondent	: Mr. Lav Sharma, P.L.
For Intervener	: Mr. Praveen Dhurandhar, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/01/2019**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. The bail application bearing M.Cr.C.No.7313/2018 is the second bail application and the bail application bearing No. M.Cr.C. No.32/2019 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.11/2018, registered at Police Station – Chhotebathiya, District – Kanker (C.G.), for the offence punishable under Section 307, 506, 34 of the Indian Penal Code.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants in M.Cr.C. No.7313/2018 are in jail since 11.06.2018 and the applicant in M.Cr.C. No.32/2019 is in jail since 24.07.2018. No case is made out against these applicants on the basis of the material present in the charge-sheet. The victim Rakhi Sarkar in this case now does not want to prosecute these applicants and she has filed affidavit in support of that for the reasons that accused persons and the victim have compromised with each other. Further the victim herself is the member of the same family, therefore, prayed that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
5. Counsel for the intervener submits that he has appeared on behalf of the Rakhi Sarkar, the victim in this case and supports the applications and the prayer made by the applicants in both the cases.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. It is alleged that on the date of incident, the applicants in both the cases poured petrol on the body of the victim and then set her ablaze

because of which she has suffered 15% of burn injuries on her body, regarding which FIR has been lodged and the charge-sheet has been filed after completion of investigation.

8. Considered on the submissions made and the contents of the case diary. Looking to the present development in the case and also for the reasons that the victim as well as all the applicants belonged to the same family, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. is allowed.
10. It is directed that applicants shall be released on bail on their 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