

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6832 of 2019**

1. Bindheshwar son of Kanwal Sai, aged about 60 years, Occupation Agriculturist, Caste Khairwar,
2. Manoj son of Sakha Ram, aged about 43 years, Occupation Agriculturist, Caste Khairwar,
3. Kamal Sai @ Bandu son of Ram Leela, aged about 56 years, Occupation Agriculturist, Caste Khairwar,
4. Anil son of Ramsai, aged about 50 years, Occupation Agriculturist, Caste Khairwar,
5. Ravi Ram son of Basiya Ram, aged about 50 years, Occupation Agriculturist, Caste Khairwar,

All R/o village Suarpara, Police Station and Tahsil Batauli, District Surguja (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer – Police Station Batauli, District Surguja (C.G.)

---- Respondent

For Applicants	:	Shri Sumit Singh Rathore, Shri Rahul Agrawal and Ms. Soni Mishra, Adv.
For Respondent	:	Shri Anil Tripathi, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/12/2019**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.64/2019, registered at Police Station – Batauli, District Surguja (C.G.) for the offence punishable under Sections 436, 427, 34 IPC.
2. The allegation against the present applicants is that they set the house of complainant constructed over Khasra No.181/01 area 1.862 hectare on fire when his wife and children were along in the house and caused damaged to the tune of Rs.50,000/-. Based on this, offence has been registered. The

present applicants have been taken into custody on 19.09.2019.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the land in question, on which the complainant has constructed small hut, is a government land where social works are being organized and it is the complaint who himself set the hut on fire. Even, Tahsildar has also passed the order of removal from the land in question. It is next submitted that the applicants are in custody since 19.09.2019, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicants are in custody since 19.09.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge