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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9222 of 2018**

1. Roshan Mahilange S/o Shri Gorelal Mahilange Aged About 20 Years R/o Manjhwapara, Mini Basti, Jarhabhata, Police Station- Civil Line, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Dharmendra Gendle S/o Shri Dhaniram Gendle Aged About 21 Years R/o Mini Basti, Jarhabhata, Police Station- Civil Line, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Civil Line, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Rahul Sharma, Advocate.
 For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.01.2019**

Heard.

1. This 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.747 of 2018, registered at Police Station – Civil Lines, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 458, 323, 294 and 506 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 17.10.2018 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before

the Court by the prosecution. Similarly placed co-accused persons, namely, Raja @ Aditya Mahilange and Sikandar Mahilange have been granted bail by this Court in M.Cr.C. No. 7685 of 2018 dated 12.11.2018. Hence, for these reasons, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that both the applicants are having criminal history and they are habitual offenders. Hence, the applicants are not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. It is alleged that on the date of incident, these applicants alongwith co-accused persons committed house trespass in the house of complainant – Kirti Burman and then abused, threatened and assaulted with clubs causing simple injuries to her.

7. Presently, the charge-sheet has been filed before the Court and the case is pending for trial. Considering the fact that similarly placed co-accused persons have been granted regular bail by this Court, I am of the view that the present is a fit case for grant of regular bail to the applicants.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicants in both the cases 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 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