

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.9404 of 2018**

Rahul Yadav, S/o Mahatam Yadav, aged about 21 years, R/o Agarkhar, Police Station Darri, District Korba (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Ajak, Korba, District Korba (CG).

---- Non-applicant**AND****MCRC No.9560 of 2018**

1. Bachcha Yadav, S/o Jagannath Yadav, aged about 57 years.

2. Ram Babu Yadav, S/o Ram Vilash Yadav, aged about 30 years.

Both are resident of Agarkhar, Police Station Darri, District Korba (CG).

--- Applicants**Versus**

State of Chhattisgarh, through Police Station Ajak, Korba, District Korba (CG). **---- Non-applicant**

For Applicants	: Mr. Sushil Sahu and Mr. Sushobhit Singh, Advocate
For Non-applicant	: Mr. Arun Shukla, Govt. Advocate and Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07.01.2019**

1. Above mentioned two bail applications arise out of a common Crime No.240/2018 registered at Police Station Ajak Korba, District Korba for the offence punishable under Sections 341, 294, 186, 353, 332 read with 34 of IPC and Section 3(2)(5A) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.

2. Prosecution story in brief is that on 09.10.2018 at about 21.50 hrs. at Agarkhar Chowk, Darri, the applicants stopped dial 112 vehicle of the police party. The applicants tried to put down one Sunil Chouhan from the said vehicle. The complainant Ashish Mahadeva and other persons intervened them, then the applicants abused the said complainant and beat him by hands

and clubs and torned his uniform. The said complainant is a member of Scheduled Tribe; and the applicants are neither the members of Scheduled Caste nor the members of Scheduled Tribe.

3. Counsel for the respective applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
4. Counsel for the State opposed the prayer for grant of bail. However, he submits that no criminal antecedent reported against the applicants in police case diary.
5. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.9404/2018 & M.Cr.C. No.9560/2018) are allowed.
6. It is directed that in case, each of the applicants i.e. Rahul Yadav, Bachcha Yadav and Ram Babu Yadav furnish two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not commit any such type of offence in future.
7. Certified copy as per rules.

L/-

Sd/-
(Sharad Kumar Gupta)
JUDGE