

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9922 of 2018

1. Ramprasad Patre S/o Shri Awadhram Patre Aged About 65 Years R/o Village Rehunta, Thana City Kotwali Mungeli, Tahsil and District Mungeli, Chhattisgarh.
2. Jalesh Patre S/o Shri Ramprasad Patre, Aged About 33 Years R/o Village Rehunta, Thana City Kotwali Mungeli, Tahsil and District Mungeli, Chhattisgarh.
3. Satish Patre S/o Shri Ramprasad Patre, Aged About 30 Years R/o Village Rehunta, Thana City Kotwali Mungeli, Tahsil and District Mungeli, Chhattisgarh.
4. Sandeep Patre S/o Shri Ramprasad Patre, Aged About 28 Years R/o Village Rehunta, Thana City Kotwali Mungeli, Tahsil and District Mungeli, Chhattisgarh.
5. Dil @ Dilesh Patre S/o Shri Ramprasad Patre, Aged About 25 Years R/o Village Rehunta, Thana City Kotwali Mungeli, Tahsil and District Mungeli, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through The Station House Officer, Police Station - City Kotwali, Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Shri Dheerendra Pandey, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/02/2019

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 440/2018, registered at Police Station – City Kotwali, District - Mungeli, (C.G.) for the offence punishable under Section 147, 148, 149, 294, 324 and 307/34 of the Indian Penal Code.
2. As per the prosecution story, on 18.09.2018 a report was made by

Complainant Paramhansraj Patle against the present Applicants alleging that his land is situated at Village Rehunta in which the Applicants have encroached the same and constructed the house for which the revenue proceedings is pending before the Tahsildar and on 17.09.2018, when Applicants tried to raise further construction, Complainant made a report in which the proceedings under Section 107 and 116 (3) of Cr.P.C. has been initiated. Thereafter, on 18.09.2018, when the Complainant was demolishing the construction, allegedly, all the Applicants came there and assaulted him, due to which he sustained injuries. They also assaulted Chandra Kumar, Kanti Bai and Hema Rani. Complainant received three injuries on his head. On the basis of the said report, offence has been registered. The Applicants have been taken into custody on 18.09.2018.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case due to some previous dispute. He further states that Complainant only sustained three injuries and was admitted for three days in the Hospital. Charge-sheet has been filed, Applicants are in custody since 18.09.2018 and trial will take time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants have no previous criminal antecedents, they are in custody since 18.09.2018 and 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 each of them furnishing personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge