

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9990 of 2018

1. Ocho Ram S/o Budhu Paikra, Aged About 45 Years (wrongly mentioned as 35 years in the bail rejection order), R/o Manoharpur, P.S. Shankargarh, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Vishwanath S/o Buchhu Ram, Aged About 40 Years, R/o Manoharpur, P.S. Shankargarh, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
3. Bagar Sai S/o Aghnu Paikra, Aged About 30 Years, R/o Manoharpur, P.S. Shankargarh, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Shankargarh, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicants – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-01-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 13-09-2018 in connection with Crime No.20/2016 registered at P.S. - Shankargarh, District- Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 147, 148, 149, 186, 294, 506-B, 323, 341, 307, 427, 435 of the IPC.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 13-09-2018. No case is made out against them. Name of these applicants have not been mentioned in the FIR and their names have been added later on without any basis. Similarly placed co-accused persons have been granted bail by this Court. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. On 23-03-2016 at about 4:00 p.m. on the day of Holi festival Anil Kumar was assaulted by the accused persons, because of which he took shelter in the house of Rashid in the village and informed the police. When the police arrived the accused persons opposed the rescue of the injured person, due to which the police party opened fire to bring the situation under control. One villager Ramesh Paikara died because of the firing done by the policemen. The mob went violent and assaulted the police persons and others and also looted property of the police personnel and damaged the vehicles, regarding which the FIR has been lodged.
6. After considering on the entire material present in the case diary and considering this fact that similarly placed co-accused persons have been granted bail, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants 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 Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge