

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 512 of 2020

- Roshan Nishad S/o Vijay Nishad Aged About 28 Years Resident Of Gram Shubhash Chowk Gariyabandh Chhattisgarh Police Station Gariyabandh , Tehsil And District Gariyaband Chhattisgarh
- Mukesh Kumar Bhoi S/o Mahendra Singh Bhoi Aged About 23 Years Resident Of Gram Shubhash Chowk Gariyabandh Chhattisgarh Police Station Gariyabandh , Tehsil And District Gariyaband Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Gariyabandh , Gariyabandh Chhattisgarh.

---- Respondent

MCRC No. 1639 of 2020

- Lekhram Nishad S/o Daya Ran Nishad Aged About 18 Years R/o Village Bhothi, Police Station Champaranya, District Gariyaband Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gariyaband District Gariyaband Chhattisgarh.

---- Respondent Z

For Applicants	: Shri Anjinesh Shukla & Shri Raza Ali, Advocates
For Respondent/State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

20/03/2020

As both these M.Cr.Cs. arise out of the same crime number, they are being disposed of by this common order.

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 254/2019 registered at police station Gariyaband, district Gariyaband (CG) for the offence punishable under Sections 147,148,149 and 307 IPC and Sections 25 and 27 of the Arms Act.

Case of the prosecution in brief is that on receiving secret information that some 6-7 persons dressed in police uniform were going to extort money from the Sarpanch at Gram Panchayat Chhindola the police party reached the village and it is also alleged that 2-3 round of firing was also shot in the air by one of the accused. On search being conducted by the police, they were found in possession of one Bharmar (muzzle loaded) rifle and air-gun.

Counsels for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. It is further submitted that the seizure of knife, air gun, uniform was made from the present applicants. It is submitted that similarly placed co-accused persons have been granted bail by this Court in M.Cr.C. Nos. 8427/2019, 8450/2019 and 8481/2019 vide order dated 07.02.2020 and therefore the present applicants may also be granted the benefit. It is further submitted that the charge sheet has been filed and the applicants are in jail since 28.11.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

Sd/-
(Rajani Dubey)
Judge