

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5402 of 2020**

1. Naresh Kumar Markam S/o Pratap Singh, aged about 32 year.
2. Laxmi Narayan S/o Bachan Singh Markam, aged about 30 year.
3. Savitri Bai W/o Laxmi Narayan Markam, aged about 30 year.

All are R/o. Dumarkachar, Kacharpara, Thana-Pali, (C.G.)

Sanjay Das S/o Anjor Das, aged about 25 years, R/o Dumarkachar, Kacharpara, Thana Pali, District Korba (C.G.)

---- Petitioners**Versus**

- State Of Chhattisgarh Through : District Magistrate, District Korba (C.G.)

---- Respondent

For Applicants	:	Shri Vijay Kumar Sahu, Adv.
For Respondent	:	Shri Devesh Verma, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/09/2020**

The matter is heard through video conferencing.

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.179/2020, registered at Police Station – Pali, District Korba (C.G.) for the offence punishable under Sections 323, 506, 34 IPC and Sections 4 and 5 of Tonhi Pratadna Act.
2. The allegation against the present applicant is that they teased and assaulted complainant Fekanbai in present of villagers near temple premises alleging her of playing witchcraft on the father of applicant No.1. Based on this, offence has been registered. The present applicants have been taken into custody on 02.08.2020.
3. Learned counsel for the applicants submits that the

applicants are innocent and have been falsely implicated in the case. He further submits that the present applicants never teased the complainant for playing witchcraft and they have been implicated in the crime in question on account of previous enmity. He also submits that the applicants are in custody since 02.08.2020, the offence is triable by Judicial Magistrate and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the present applicants are in custody since 02.08.2020, the offence is triable by Judicial Magistrate and the 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 their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge