

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5570 of 2020**

1. Subhash Netam son of Tulsi Ram Netam, aged about 22 years.
2. Bhupendra Sahu son of Shital Sahu, aged about 20 years.
3. Shankar @ Umashankar Sahu, son of Bhushan Lal Sahu, aged about 23 years.
4. Shobharam Sahu, son of Gend Lal Sahu, aged about 20 years.

All are resident of village Kurud (Kutela), Police Station Arang, District Raipur (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Arang, District Raipur (C.G.)

---- Respondent

For Applicants	:	Shri C.R. Sahu, Advocate
For State/Respondent	:	Shri Vimlesh Bajpai, G.A.
For Complainant	:	Shri S.P. Sahu, Advocate.

Hon'ble Smt Justice Rajani Dubey**Order on Board****02/09/2020**

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.261/2020, registered at Police Station - Arang, District Raipur (C.G.) for the offence punishable under Sections 294/34, 427, 436 and 506 IPC (wrongly mentioned as under Section 327 IPC in the impugned rejection order of the learned court below).
2. The prosecution story, in brief, is that on 23.05.2020 at about 2.00 PM, when the complainant along with Churaman and Deepak were sitting in a tent built in the ghat, at the relevant time the applicants came there and some quarrel took place between them with regard to machine which was lying there,

used filthy language and set the tent on fire as also broken the wall. The applicant also threatened the complainant to kill. Based on this, offence has been registered. The present applicants have been taken into custody on 10.08.2020.

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 complainant himself has settled the dispute with the applicant without any pressure and fear and the complainant has also filed an application (I.A.No.2) stating therein that he does not have any objection if the applicants are enlarged on bail. He also submits that the applicants are in custody since 10.08.2020 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. Shri S.P. Sahu, counsel for complainant submits that he has no objection if the applicants are granted bail.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the complainant has compromised the matter with the applicants, without further commenting on merits of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail application is allowed.
9. 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 disposal of trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge