

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8493 of 2019**

1. Nagendra Kumar Chandra S/o Shri Tarun Kumar Chandra Aged About 26 Years Agriculturist, R/o Borsi, Tahsil Champa, District Janjgir Champa Chhattisgarh.
2. Santosh Kumar Chandra S/o Shri Panchram Chandra Aged About 39 Years Assistant Teacher, Jhalap, Near Hasaud, R/o Borsi, Tahsil Champa, District Janjgir Champa Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Birra, District Janjgir Champa Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 8497 of 2019**

Bhojram Chandra S/o Shri Bahadur Chandra Aged About 42 Years R/o. Borsi, Tahsil Champa, District Janjgir-Champa, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- The Station House Officer, Police Station Birra, District Janjgir-Champa, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 624 of 2020**

1. Rajkumar Chandra S/o Shri Firat Ram Chandra Aged About 26 Years R/o Village Kekrabhat, Post Akalsara, Police Station Baradwar, Civil And Revenue District Janjgir-Champa, Chhattisgarh.
2. Rakesh Chandra S/o Shri Firat Ram Chandra Aged About 25 Years R/o Village Kekrabhat, Post Akalsara, Police Station Baradwar, Civil And Revenue District Janjgir-Champa, Chhattisgarh.

---- Applicants**Vs**

State Of Chhattisgarh Through Station House Officer, Birra, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Rajeev Kumar Dubey and Shri Malay Shrivastava, Advocates.
For the Respondent/State	:	Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.02.2020**

Heard.

1. All these applications are being decided by this common order as they arise from the same incident. These are the second bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.48 of 2019, registered at Police Station – Birra, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 147, 294, 506-B, 323, 302, 186, 427, 332 and 353 of the Indian Penal Code. The first bail application of these applicants is dismissed on merits on 13.8.2019.

2. Learned counsel for the applicants submit that subsequent to the earlier dismissal of the application of these applicants, the circumstances have changed. Some of the material witnesses have been examined in the trial and they have not identified these applicants as one of the assailants. Another development that has taken place is that one co-accused – Sonu @ Navakisaan Chandra has been granted bail by the Co-ordinate Bench of this Court and the applicants are also similarly placed. Hence, it is prayed that the applicants in all these cases be benefited with grant of bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the earlier application of these applicants has been decided on merits. The main witnesses who have been examined in the trial have supported the

prosecution case. Therefore, at this stage, it cannot be said that the applicants have no participation in the commission of offence. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. Considered the submissions and also perused the copies of the deposition of the witnesses who have been examined before the trial Court. Considering the fact that the conclusion of the trial is likely to take some time for its final disposal and also one co-accused who appears to be similarly placed has been granted bail by the Co-ordinate Bench of this Court, hence, these applications are allowed.

6. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

7. It is directed that the applicants in all the cases 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 trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge