

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8427 of 2019**

Badal Singh, Aged 32 years, S/o Beera Singh, R/o village Darra Para, Gariyaband,
Police Station and District – Gariyaband (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station – Gariyaband, District – Gariyaband
(C.G.)

----Non-applicant**M.Cr.C. No. 8450 of 2019**

Gautam Chakradhari, Age 30 years, S/o Janakram, Permanent Address : Village
Kareli, Police Station – Shobha, District Gariyaband (CG), Present Address : Dak
Bangla Para, Gariyaband, P.S. and District – Gariyaband (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station – Gariyaband, District – Gariyaband
(C.G.)

----Non-applicant**M.Cr.C. No. 8481 of 2019**

Santosh Nishad, Age 31 years, S/o Rainu Nishad, R/o Subhash Chowk, Gariyaband,
District – Gariyaband (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station – Gariyaband, District – Gariyaband
(C.G.)

----Non-applicant

For Applicants	:	Mr. Mohammad Afroz Athar, Advocate.
For Non-applicant	:	Mr. B.L. Sahu & Ms. Reena Singh, Panel Lawyers.

Hon'ble Smt. Justice Rajani Dubey

Order On Board**07/02/2020**

(1) Above mentioned three bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No. 254/2019, registered at Police Station Gariyaband, District Gariyaband for the offence punishable under Sections 147, 148, 149 & 307 of the Indian Penal Code and Section 25 & 27 of the Arms Act, therefore, they are being heard analogously and decided by this common order. (For the sake of convenience, M.Cr.C. No. 8427 of 2019 is taken up as lead case)

(2) Case of the prosecution, in brief, is that one Inspector Rajesh Jagat received an information to the effect that 6-7 uniformed persons were going to Village Jadjada to extort money from one Satrugan Dhruw – Sarpanch of Gram Panchyat Chhindola. Upon which, the police party reached village Jadjeda and covered the said village. It is alleged that at about 3.30 am, Head Constable Krishna Kumar Gilahre heard some noise and when he asked as to who was coming, 3-4 round firing was done, as a counter blast, police party also made firing. Thereafter, police party conducted a search in the forest, in which four persons were found in the forest and they were taken into custody and one Bharmar (Muzzle Loading) rifle, knife and airgun were also recovered from their possession and thereby committed the aforesaid offences.

(3) Learned counsel appearing appearing for the applicants would submit that applicants have been falsely implicated in the offence in question as there are no weapons were seized from the possession of the applicants. He submits that the applicants are in custody since 28.11.2019; trial is likely to take some time for its final disposal and no custodial interrogation is required and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the nature and gravity of the offence, further considering the facts that applicants are in detention since 28.11.2019, no weapons were seized from

the possession of the applicants and the trial is likely to take some time for its final disposal and no custodial interrogation is required, I am inclined to release the applicants on bail. Accordingly, all the bail applications are allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Dubey/-

