

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1158 of 2021**

1. Ramdhari S/o Shri Anujram Aged About 20 Years R/o Village Parsagudi, Police Station Rajpur, District Balrampur Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh
2. Panchan S/o Ramdeo, Aged About 18 Years R/o Village Parsagudi, Police Station Rajpur, District Balrampur Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh
3. Bhulan @ Basant S/o Satan Ram, Aged About 28 Years R/o Village Parsagudi, Police Station Rajpur, District Balrampur Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Rajpur, District Balrampur Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh

---- Respondent**Present:-**

Shri Ajeet Kumar Yadav, counsel for the applicants.
Ms. Veena Nair, Dy.AG for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/06/2021**

Heard.

1. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.143/2020 registered at Police Station Rajpur, Distt. Balrampur-Ramanujganj for the offence punishable under Section 304 of the IPC and Section 135 of the Electricity Act, 2003. The applicants were arrested on 30-07-2020.
2. This is a repeat bail application. Earlier bail application was rejected by this Court with liberty to revive, after filing of the charge sheet.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and there is no eye-witness of this case and recovery of hooking device is alleged to have been made from the applicant-

Bhulan, which is false in nature. As far as other applicants are concerned, no recovery has been made from them and nor they have been witnessed by anybody and only on the basis of memorandum, they have been involved. He would further submit that as the co-accused (Motu) (In MCRC No.9222 of 2020) has been granted bail, the applicants may also be granted bail.

4. On the other hand, learned State counsel opposes the bail application by submitting that prima facie case is made out against the applicants on the basis of disclosure made by them in their respective memorandum statement. As far as applicant-Bhulan is concerned, hooking device has already been seized from his possession.

5. Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration the nature of material on the basis of which, the applicants have been involved, as far as applicant-**Bhulan** is concerned, looking to recovery of hooking device from his possession, his application is rejected. The the bail application(M.Cr.C.No.1158 of 2021 on behalf of applicants-**Ramdhari and Panchan**) is allowed as their case is at par with another co-accused (the applicant-Motu in M.Cr.C.No.9222 of 2020) who has been granted bail by this Court vide order dated 12-04-2021.

6. It is directed that the applicants-**Ramdhari and Panchan** shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with two local surety for the like amount to the satisfaction of the Trial Court on the condition that they shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Vacation Judge