

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****MCRC No. 2518 of 2021**

1. Chhatram S/o Paltan Aged About 37 Years Caste Satnami,
 2. Loknath S/o Paltan Aged About 28 Years Caste Satnami,
- Both R/o Village Chhoterabeli, Police Station Malkharoda,
District Janjgir Champa CG

---- Applicants**Versus**

State of Chhattisgarh Through The District Magistrate , District
Janjgir Champa CG

----Non-applicant**MCRC No. 2496 of 2021**

Kavita Bai (Wrongly mentioned as Savita Bai) W/o Chhatram
Aged About 22 Years Caste Satnami, R/o Village Chhoterabeli,
Police Station Malkharoda, District Janjgir Champa, CG

Versus

State of Chhattisgarh through the District Magistrate, District
Janjgir Champa, CG

MCRC No. 2616 of 2021

Mantora Bai W/o Radheshyam Aged About 40 Years Caste
Satnami R/o Village- Bandora, Police Station- Malkharoda,
Chowki- Adbhar, District- Janjgir- Champa, CG

---- Applicant**Versus**

The State of Chhattisgarh through the District Magistrate-
District- Janjgir- Champa, CG

For Applicants : Shri K.P.S. Gandhi, Adv.
For non-applicant/State : Shri Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****30-6-2021**

1. As these three MCRCs arise out of same crime number of same police station, they are being heard together and disposed of by this common order.

2. These are first bail applications filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, in connection with Crime No. 403/2020 registered at Police Station Malkharoda, Distt. Janjgir Champa (C.G.), for the offence punishable under Sections 294, 323, 342, 392/34 of the Indian Penal Code. Applicants Chhatram, Loknath, Kavita Bai were arrested on 6-3-2021 and applicant Mantora Bai was arrested on 15-3-2021.

3. Case of the prosecution, in brief, is that due to a land dispute between the parties, on 12-12-2020 at about 8.00 am when the complainant was going on his motorcycle to village Chhote Amlidih, the applicants abused him, manhandled him and committed marpeet with him. Applicant Mantora assaulted by club of axe, applicant Kavita assaulted by bamboo stick, and applicants Chhatram and Loknath assaulted him by hands and fists. Applicant Chhatram also looted Rs. 20,000/- from him. They also dragged him towards home and snatched a mobile. They also committed marpeet with him tying his hands and legs. On the written report of complainant Dwarika Prasad Chandra, offence under Section 294, 323, 342, 392, 34 of the Indian Penal Code has been registered against them.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated. He further submits that the applicants are in jail for more than last 3 months, the applicants will not abscond if bail is granted, charge sheet has already been filed, the offences are triable by magistrate first class. Therefore, present applicants may be enlarged on bail.

5. On the contrary, learned State counsel opposes the applications for grant of bail.

6. Looking to the facts and circumstances of the case, nature and gravity of offence, period of detention, the offence is triable by Magistrate 1st Class, and also considering the fact that the trial will take some more time for its conclusion, and as per submission of applicants' counsel charge sheet has been filed, without further commenting on merits of the case, I am inclined to release the applicants on bail.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court, subject to further conditions that :

- (i) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iii) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE