

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8201 of 2021**

1. Mehul Gupta, S/o Ranjit Gupta, aged about 23 years, Caste – Rauniyar.
2. Ravi Gupta, S/o Shyam Lal Gupta, aged about 19 years, Caste Rauniyar
3. Mukesh Bansod, S/o Shivbharos, aged about 23 years, Caste- Bansod
4. Yuvraj, S/o Rajkumar, aged about 19 years, Caste- Bansod
5. Raju, S/o Narayan, aged about 23 years, Caste Kaser

All are R/o : Ulkiya (wrongly mentioned as Ulkila) Mohalla Barbahala, P.S. and Tehsil Sitapur, Distt: Sarguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station – Pathalgaon, Distt. - Jashpur (C.G.)

----Respondent

For Applicants	:	Mr. Sanjay Agrawal, Advocate.
For Respondent	:	Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Mr. Justice N.K. Chandravanshi

Order On Board

27-10-2021

(1) The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail in connection with Crime No. 182/2021 registered at Police Station Pathalgaon, District Jashpur (C.G.) for the offence punishable under Sections 452, 147, 149, 294, 506, 323, 427, 456 & 458 of IPC.

(2) Case of the prosecution, in brief, is that on 22-8-2021 at about 8 pm applicants and two other co-accused, who are juveniles, entered into the house of complainant, abused the complainant and her mother, also threatened them to kill and also committed *marpeet* with them. Thereafter, the applicants also damaged their house, belongings of the house and gate of their house. Based upon which, report was lodged by the complainant at Police

Station Pathhalgaon, District Jashpur under Sections 452, 147, 149, 294, 506, 323, 427, 456 & 458 of IPC.

(3) Counsel for the applicants would submit that applicants have not committed the alleged offence and they have been falsely implicated in the crime in question malafidely under the grudge of previous enmity. He would further submit that the applicants are in detention since 30.9.2021; offences levelled against them are triable by Judicial Magistrate, First Class and conclusion of the trial will take long time, therefore, the applicants are entitled to be released on bail.

(4) On the contrary, counsel for the State opposes the submissions made by counsel for the applicants mentioning that the applicants not only entered unauthorisedly into the house of complainant but they also damaged her house, belongings of the house and committed marpeet with the complainant and her mother. The matter is under investigation, therefore, the applicants are not entitled to be released on bail.

(5) I have heard learned counsel appearing for the parties, perused the case diary as well as material available on record.

(6) Considering the facts & circumstances of the case, nature & gravity of the offence, offences registered against the applicants, which are triable by Judicial Magistrate, First Class; also taking into consideration detention period of the applicant; I feel inclined to grant bail to the applicants.

(7) Accordingly, the bail application filed by the applicants under Section 439 of the Cr.P.C. is allowed. Accused/applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- with one local 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.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

