

**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.A No.852 of 2023**

Harishankar Gajabhiye @ Bothi S/o Late Suklal Gajabhiya, Aged About 42 Years R/o Parsoda Jhalmala, Police Station And, District : Balod, Chhattisgarh ---- **Appellant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Rajhara, District : Balod, Chhattisgarh ---- **Respondent**

Cr.A No.643 of 2023

Dileshwar @ Dilesh S/o Punit Ram Sahu Aged About 40 Years R/o Haldi Belodi, P.S. And Tehsil Gunderdehi, District- Balod, Chhattisgarh ---- **Appellant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Rajhara, District- Balod, Chhattisgarh ---- **Respondent**

Cr.A No.850 of 2023

1. Ishu Kumar Barle S/o Rajesh Kumar Barle Aged About 25 Years R/o Ward No. 19, Subhash Chowk, Rajhara, Police Station Rajhara, District Balod, Chhattisgarh.
2. Chanakya Sen S/o Human Sen Aged About 28 Years R/o Ward No. 19, Subhash Chowk, Rajhara, Police Station Rajhara, District Balod, Chhattisgarh. ---- **Appellants**

Versus

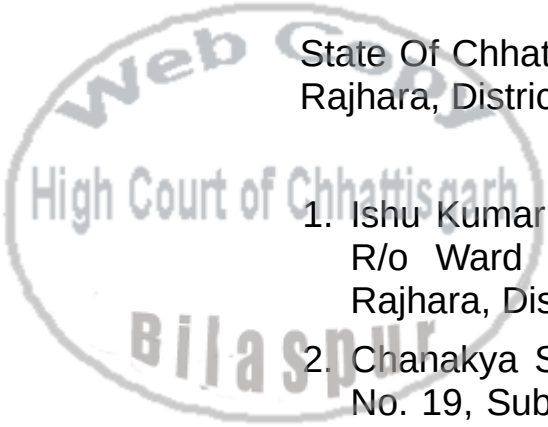
State Of Chhattisgarh Through The Station House Officer, Police Station, Rajhara, District Balod, Chhattisgarh. ---- **Respondent**

Cr.A No.921 of 2023

1. Moienuddin @ Raja Pathan S/o Nijamuddin Khan Aged About 37 Years R/o Ward No. 19, Ambedkar Ward Rajhara, Police Station Rajhara, District Balod Chhattisgarh
2. Dev Nishad @ Bhata S/o Ganga Nishad Aged About 21 Years R/o Ward No. 19, Ambedkar Ward Rajhara, Police Station Rajhara, District Balod Chhattisgarh

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Rajhara, District Balod Chhattisgarh ---- **Respondent**





For respective Appellants: Shri Vidhyabhushan Soni on behalf of
Shri BP Singh, Shri Prasoon Agrawal,
and Smt Smita Jha, Advocates.
For Respondent/State : Shri Avinash K Mishra, G.A.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

01.05.2023

1. These Criminal Appeals have been filed under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (henceforth 'the SC/ST Act') against the order dated 04.03.2023 passed by the Special Judge, SC/ST ACT, Balod, District Balod (CG) for grant of regular bail to the Appellants, who have been arrested in connection with Crime No.414/2022 registered at Police Station Rajhara, District Balod (CG) for the offence under Sections 120-B, 354, 365 and 386 IPC as also under Section 3(2)(v) of the SC/ST Act.
2. Case of the prosecution is that the present Appellants, by way of a conspiracy, kidnapped Complainants Prashant Mehsram and Dinesh Sonwani and obtained Rs.2,60,000/- from them, therefore, the aforesaid offence has been registered against them.
3. Learned counsel for the Appellants submit that the Appellants are innocent and have been falsely implicated in the crime in question for which, they are languishing in jail since 18.11.2022 and 21.11.2022 respectively. They further submit that there was a money dispute between the Complainants and one of the Appellants-



Moinuddin @ Raja Pathan, that co-accused Akash Kumar Chaturvedi and Sheikh Ansaar Wali @ Wali have already been granted bail vide order dated 25.04.2023 passed in M.Cr.C No.956 of 2023 and the case of the present Appellants is also of similar nature, charge sheet has already been filed and the trial may take quite some time for its conclusion, therefore, they may be released on bail.

4. Per contra, learned Counsel for the State opposed the bail application. The Complainant had also appeared before this Court and did not raise any objection in granting bail to the Appellant against whom, he had lodged FIR, which was recorded in Cr.A No.921/2023 on 28.04.2023.

5. Considering the facts and circumstances of the case, the submissions put forth by learned Counsel for the parties, the fact that the co-accused have already been granted bail and the Complainant has also not raised any objection and further considering the pre-trial detention, the fact that conclusion of trial may take quite some time, without further commenting anything on merits, I am inclined to grant regular bail to the Appellants.

6. Accordingly, the Appeal is **allowed** and it is directed that on Appellants' furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, they shall be released on bail on the following conditions:-

a) they shall appear before the concerned Court as and when so directed unless



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exempted from appearance.

- b) they shall not, in any manner, tamper with the prosecution witnesses.
- c) if they are found involved in similar offence in future, then, it will be open for the State to apply for cancellation of their bail.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya

