

(2018) 07 CHH CK 0173

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 4334 Of 2018

Rajveer Singh Bhatia alias Lucky
And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: July 3, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 294, 323, 354B, 458
- Code Of Criminal Procedure, 1973 - Section 439
- Scheduled Castes And Scheduled Tribes (Prevention Of Atrocity) Act, 1989 - Section 3(1)(D), 3(2)(5)A

Hon'ble Judges: Pritinker Diwaker, J

Bench: Single Bench

Advocate: Ashish Gupta, Ravindra Agrawal

Final Decision: Allowed

Judgement

Pritinker Diwaker, J

1. This application under Section 439 of the Code of Criminal Procedure has been filed by the applicants who are in custody in connection with Crime

No. 74/2018 registered at Police Station City Kotwali, District Raigarh for commission of the offences punishable under Sections 294, 354-B, 323, 458,

34 IPC and Sections 3(1)(D), 3(2)(5) A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. Case of the prosecution in short is that the applicants had entered the house of complainant Rakesh Gond and assaulted his family members with hockey sticks, rod and club.

3. Counsel for the applicants submits that the unfortunate incident took place when the complainant objected to applicant Rajveer Singh Bhatia from making his dog ease in front of his house. He submits that even if the entire case of the prosecution is taken as it is, offence under the Special Act is not made out against the applicants. He further submits that as the trial is likely to take some time for conclusion and the applicants are already in jail since 4.6.2018, they may be released on bail.

3. State counsel however opposes the application for bail.

4. Considering the facts and circumstances of the case, the fact that the applicants are in jail since 4.6.2018, this Court is of the opinion that it is a fit case to release them on bail. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them furnishing a bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court for their appearance before that Court as and when directed.