

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1290 of 2015**

Sampatlal, S/o Mahangu Sahu, Aged About 37 years, resident of Village - Chisda, Police Station - Hassaud, District Janjgir Champa C.G.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station – Hassaud, District – Janjgir-Champa (C.G.)

---- Non-applicant

And**MCRC No. 1372 Of 2015**

1. Uditnarayan Sahu S/o Devprasad Aged About 24 years R/o Village Chisda, Tahsil Jaijaipur, Police Station Hasoud, District Janjgir-Champa, Chhattisgarh
2. Devprasad Sahu S/o Shri Ramratan Sahu Aged About 50 Years R/o Village Chisda, Tahsil Jaijaipur, Police Station Hasoud, District Janjgir-Champa, Chhattisgarh

---- Applicants

Vs

State Of Chhattisgarh Through: Station House Officer, Police Station Hasoud, District Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants: Shri Gurudev I. Sharan, Advocate in
M.Cr.C. No.1372/2015

For Applicant: Shri Basant Dewangan, Advocate in
M.Cr.C. No. 1290/2015.

For Non-applicant/State: Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board By****05/08/2015**

(1) Above mentioned two bail applications filed under Section 439 of the Code of Criminal Procedure arise out of a common Crime No.17/2015, registered at Police Station Hasoud, Distt. Janjgir-Champa, for the offence punishable under Sections 342, 394, 332, 186 & 353 of the Indian Penal Code , therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution is that on 29.01.2015 after declaration of result of election of Gram Panchayat Chisda, the applicant along with other co-accused persons assaulted S.D.O. (Revenue) & S.D.O. (Police), who were engaged in the election duties, and also damaged their vehicles and thereby committed the aforesaid offences.

(3) Mr. Gurudeo I. Sharan & Mr. Basant Dewangan, counsel for the applicants, respectively would submit that they have falsely been implicated in the offence in question as they have not committed any offence. They would further submit that they are not named in the FIR and their names have been inserted only at the time of filing of challan; and they are not damaged the vehicle, which was used in the election duty and it was the villagers who have damaged the vehicle by throwing stones. They would also submit that applicants are in detention since 29.01.2015; and the charge sheet has already been filed; and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State submits that applicant along with other co-accused persons assaulted the employees i.e. SDO (Revenue) & SDO (Police), who were engaged in the election duty, by which they suffered injuries and also obstructed them from discharging their election duties and, therefore, the applicants are not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; looking to the nature and gravity of the offence; considering their role in the offence in question and the facts that they are in jail since 29.01.2015: charge sheet has already been filed and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the bail application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-