

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6675 of 2015

1. Tahar Khan, S/o. Gul Mohammad, Aged About 63 Years.
 2. Amir Khan, S/o. Tahar Khan, Aged About 25 Years.
- Both R/o. Village Jaijaipur, Tahsil & P.S. Jaijaipur, Civil & Rev.
Distt. Janjgir Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, P.S.
Jaijaipur, Distt. Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pushpendra Kumar Patel, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.217/2015 registered at Police Station- Jaijaipur, District Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 332, 506, 353, 186 and 34 of Indian Penal Code.
2. The first bail application is dismissed as withdrawn with liberty to repeat the same after filing of the charge sheet on 02.11.2015.
3. As per the prosecution case, in brief, on 12.09.2015 one Police Constable Komal Tiwari went to the house of the applicants for making enquiry, at that time, the applicant alongwith other co-accused obstructed him to discharge the official duty and assault was made. Consequently, the offence has been committed.

4. Learned counsel for the applicants submits that the charge sheet in this case has been filed and the complainant himself was hiding in suspicious manner and when Salman was coming on his way he was intercepted and the offence is alleged to have been committed. He further submits that the circumstances would show that the applicants are innocent and they are in jail since 18.09.2015, therefore, they may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Having regard to the facts and circumstances of the case and taking into consideration the nature and gravity of offence and the manner in which the offence is said to have been committed and further taking into fact that the charge sheet has been filed and the applicants are in jail since 18.09.2015, I am inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge