

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6796 of 2015

1. Raja Pathan @ Sheikh Farid, S/o. Sheikh Shakil, aged about 25 years, R/o. Risaipara, Kodumal Dharmshala, Dhamtari, Tahsil, Civil and Revenue District – Dhamtari (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station – Kotwali Dhamtari, Civil and Revenue District – Dhamtari (C.G.)

---- Respondent

For Applicant	:	Mr. P.P. Sahu, Advocate
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.194/2015, registered at Police Station – Kotwali, Dhamtari, District – Dhamtari (C.G.) for the offence punishable under Section 186, 332, 353, 147, 149, 294, 153-A and 333 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 08.07.2015 present applicant alongwith other co-accused persons total 35 in numbers deterred the police officers from performance of their public duty and also used criminal force upon them and also caused injuries to the police officers, by which, they suffered grievous injuries and thereby committed the aforesaid offences.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not committed any offence and no weapon or stones, which were used in the offence in

question, has been seized from the possession of the applicant. He further submits that the applicant is in jail since 29.10.2015 and the charge sheet has already been filed. He would further submit that similarly placed co-accused persons have been granted bail by the Coordinate Bench of this Court in M.Cr.C. No.4197/2015 and other connected matters, vide order dated 26.08.2015, therefore, he prays that the applicant may also be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, was not able to dispute the fact that similarly placed co-accused persons have been enlarged on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature of injuries suffered by the police officials, considering the pre-trial detention, charge sheet in this case has been filed and the fact that similarly placed co-accused persons have been enlarged on bail by the Coordinate Bench of this Court, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge