

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3001 of 2015

- Shashibhusan, S/o Bujuram, Aged about 24 years, R/o Village Chisda, Post Office Hasoud, Police Station Hasoud, Civil And Rev. Distt. Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station Hasoud, Civil and Rev. Distt. Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sudeep Agrawal, Advocate
For Respondent	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Inder Singh Uboweja

Order on Board

10-08-2015

- 1) The applicant has filed this bail application under Section 439 of the Code of Criminal Procedure, 1973 (in short 'the Code') for grant of regular bail as he is in custody in connection with Crime No. 17/2015, registered at Police Station, Hasoud, Distt. Janjgir-Champa, for the offence punishable under Sections 342, 394, 332, 186, 353 & 323 of the IPC and Sections 131, 135 & 135(A) of the Representation of People Act.
- 2) Case of the prosecution is that on 29.01.2015 after declaration of result of election of Gram Panchyat, Chisda, the applicant along with other co-accused persons assaulted S.D.O. (Revenue) and S.D.O. (Police), who were engaged in the election duties, and also damaged their vehicles and thereby committed the aforesaid offences.

- 3) Mr. Sudeep Agrawal, learned counsel for the applicant submits that he has been falsely implicated in the offence in question as he has not committed any offence. Learned counsel further submits that he is not named in the FIR and his name has been inserted only at the time of filing of challan; and he has not damaged the vehicle, which was used in election duty and it was the villagers who have damaged the vehicle by throwing stones. Learned counsel also submits that applicant is 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 alongwith other co-accused persons assaulted the employees i.e. S.D.O. (Revenue) and S.D.O. (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 applicant is 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 he is 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 applicant on bail. Accordingly, the bail application is allowed.

- 6) Accused/applicant is directed to be released on bail on executing a personal bond in the sum of Rs.25,000/- with one solvent surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(I.S.Uboweja)
JUDGE