

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3568 of 2015**

1. Dhanraj Kumar, S/o Dukhit Ram, aged about 21 years
2. Rajesh Jaiswal, S/o Shivji, Aged about 27 years

Both Residents of Deepak Nagar, behind four Season Hotel, Durg, District Durg (CG)

3. Sachin More, S/o Mohan More, Aged about 24 years, R/o B.S.P. Quarter, Pass No.83/C, Camp I, Police Station-Chhawani, District Durg (CG)
4. Abdulla Khan, S/o Yunush Khan, Aged about 18 years, R/o Mukut Nagar, Durg, Tehsil & District Durg (CG)

---Applicants

Versus

The State of Chhattisgarh, Through: Police Station : Mohan Nagar, Durg (CG)

---Non-applicant

For Applicants	:	Mr. D.K.Gwalre, Advocate
For Non-applicant	:	Mr. Qamrul Aziz, Panel Lawyer

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

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 applicants who have been arrested in connection with Crime No.262/2015, registered at Police Station-Mohan Nagar, District-Durg (C.G.), for the offence punishable under Sections 341, 186, 353, 332, 294 & 354/34 of the IPC.
2. Case of the prosecution, in brief, is that on 29.6.2015 the applicants allegedly abducted the public servant from discharging her public function and allegedly used criminal force in order to deter the public servant after

causing voluntarily hurt together with outraging the modesty of complainant Sub Inspector Vandita Panika and thereby committed the aforesaid offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence, on 29.6.2015 applicants No.1 and 2 were arrested and they were granted bail by the Executive Magistrate on 1.7.2015 and thereafter the applicants have been taken into custody on 2.7.2015, as such, they have been falsely implicated in offence in question. Learned counsel would further submit that merely because there is dispute with the police inspector, they have been made an accused in such offence. The offences are triable by the Magistrate, charge-sheet is yet to be filed no useful purpose would be served by keeping the applicants in jail as substantive investigation has already been completed.

4. On the other hand, learned counsel for the State would oppose the bail application.

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; further taking into consideration the nature and gravity of offence, role of the present applicants, their pre-trial detention and the fact applicants No.1 and 2 have already been granted by the Executive Magistrate on 1.7.2015, this Court is of the opinion that present is the fit case, in which, the applicants 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 applicants **Dhanraj Kumar, Rajesh Jaiswal,**

Sachin More and **Abdulla Khan** shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-