

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5135 of 2015**

Tanmay Soni @ Pratik Soni, S/o Atul Soni, aged about 20 Years, R/o-Brahmanpara, Dhamtari, Post Office & Police Station – Dhamtari, Tahsil & District-Dhamtari (CG)

---- Applicant

Versus

State Of Chhattisgarh through the Station House Officer, Police Station-City Kotwali, District Dhamtari (C.G.)

---- Non-applicant

And**MCRC No. 5136 of 2015**

Dainy @ Naresh Patel, S/o Patiram Patel, aged about 25 Years, R/o-Salhewar Para, Near Haddi Godam, Dhamtari, Post Office & Police Station – Dhamtari, Tahsil & District-Dhamtari (CG)

---- Applicant

Versus

State Of Chhattisgarh through the Station House Officer, Police Station-City Kotwali, District Dhamtari (C.G.)

---- Non-applicant

For Applicants : Mr.Shivendu Padya, Advocate

For Non-applicant/State : Mr.Anant Bajpai, Panel Lawyer

Order On Board**28/09/2015**

(1) Above mentioned bail applications filed under Section 439 of the Cr.P.C. arise out of a Crime No.194/2015, registered at

Police Station City Kotwali, District Dhamtari, for the offences punishable under Sections 186, 332, 353, 147, 149, 294, 153-A & 333 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that on 8.7.2015 present applicants along with 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 appearing for the applicants would submit that the applicants have been falsely implicated in the offence in question as they have 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 applicants. He further submits that the applicants are in jail since 14.09.2015, charge-sheet has already been filed and the injuries suffered by the police officials are simple in nature. He would also submit that co-accused Mohammad Saddam has been enlarged on bail by this Court vide order dated 26.8.2015 passed in M.Cr.C.No.4197 of 2015 and, therefore, the applicants may be released on bail.

(4) On the other hand, learned counsel for the State would oppose the bail application and submit that the applicants have deterred the police officials from performance of their duty by

using criminal force and, as such, they are not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; nature of injuries suffered by the police officials; considering their pre-trial detention; the fact that charge-sheet has already been filed and also considering the fact that bail was granted to similarly situated co-accused Mohammad Saddam in M.Cr.C.No.4197 of 2015, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants – **Tanmay Soni @ Pratik Soni** and **Dainy @ Naresh Patel** 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

B/-