NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.5212 of 2015

Munna Kahra, S/o Khik Ram Kahra, aged about 35 years, R/o Village Chisda, Police Station Hassaud, District Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Hassaud, District Janjgir-Champa (C.G.)

---- Non-applicant

For Applicant:	Mr. Basant Dewangan, Advocate.
For Non-applicant:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/10/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.17/2015 {Criminal Case No.132/2015 pending in the Court of Judicial Magistrate First Class, Jaijaipur}, registered at Police Station Hassaud, Distt. Janjgir-Champa, for the offence punishable under Sections 342, 394, 332, 186, 353 of the IPC, Sections 131, 135 and 135A of the Representation of the Peoples Act, 1951.

2. Case of the prosecution, in brief, is that on 29-1-2015, after declaration of the result of election of Gram Panchayat Chisda, the applicant along with other co-accused persons assaulted the Sub Divisional Officer (Revenue) and the Sub Divisional Officer (Police), who were engaged in the election duty, and also damaged their vehicles, and thereby committed the offence.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime in question. He further submits that the applicant is not named in the FIR and

his name has been inserted only at the time of filing challan, he has not damaged the vehicle which was used in the election duty and it was the villagers who have damaged the vehicle by throwing stones. He also submits that co-accused persons Sampatlal, Uditnarayan Sahu and Devprasad Sahu have been released on regular bail by this Court vide order dated 5-8-2015 passed in M.Cr.C.Nos.1290/2015 & 1372/2015 and case of the present applicant is similar to that of the co-accused who have been granted bail. The present applicant is in jail since 1-8-2015 and charge-sheet has already been filed.

4. On the other hand, learned State counsel opposes the application and submits that the applicant along with other co-accused persons assaulted the Government employees i.e. SDO (Revenue) & SDO (Police), who were engaged in election duty by which they suffered injuries and also obstructed them from discharging their election duty and therefore, the applicant is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, pretrial detention of the applicant since 1-8-2015 and that co-accused persons have been granted bail vide order dated 5-8-2015, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.

7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma