

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1799 of 2016**

- 1.** Nand Kishore Patel S/o Makhan Lal Patel, aged about 32 years, R/o Village – Rathkhandi, P.S.-Kota, Distt.Bilaspur (CG)
- 2.** Naval Patel S/o Makhan Lal Patel, aged about 30 years, R/o Village-Rathkhandi, P.S.-Kota, Distt.Bilaspur (CG)

---Applicants**Versus**

State of Chhattisgarh Through, S.H.O., Police Station –Kota, Distt.Bilaspur (CG)

---Non-applicant

For Applicants	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/04/2016**

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.403/2015, registered at Police Station-Kota, District-Bilaspur (CG), for the offence punishable under Sections 186, 353, 332, 506, 294, 435, 323, 147, 325 and 148 of the IPC.

2. Case of the prosecution, in brief, is that on 24.11.2015 the applicants and five other co-accused persons deterred the process writer from executing the decree, abused, assaulted, threatened and also deterred him from discharging his duties and caused grievous hurt to victim Rahul and Sandeep by which they suffered grievous injuries.

3. Learned counsel for the applicants would submit that the applicants have not committed any offence, they have not been named in the F.I.R. no overt act has been committed by them, as they are relatives, they have falsely been implicated in crime in question. Applicant No.1 is in jail since 23.12.2015 and applicant No.2 is in jail since 25.11.2015. He

would further submit that JCB has not been burnt by the present applicants, charge-sheet has already been filed and no further custodial interrogation is required, therefore, they may be released on bail.

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 & circumstances of the case, nature & gravity of the offence, the fact that neither they are party in the decree nor named in the F.I.R., there is no allegation of burning JCB against the present applicants, their role, their pre-trial detention and also the fact that charge-sheet has already been filed, this Court is of the opinion that present is a 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 the applicants 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-