

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2656 of 2016

1. Sanat Diwakar S/o Nathuram Diwakar, aged about 32 years.
2. Dharmendra Diwaker S/o Nathuram Diwakar, aged about 25 years;

Both R/o village Birkona, PS Pandaria, Tehsil Pandaria, Distt. Kabirdham (CG).

Applicants

Versus

State of Chhattisgarh through Station House Officer, Pandaria Tahsil Pandaria, Distt. Kabirdham (CG).

Respondent

For Applicant	: Shri Ajay Ayachi, Advocate.
For Respondent	: Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

08.06.2016

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with crime No.231/2016 registered at Police Station Pandaria, Distt. Kabirdham, for the offence punishable under Sections 294,353,332,323,186,506/34 IPC.
2. Case of the prosecution, in brief, is that on 17.10.2015 when the forest officials were on the patrol, the present applicants came on motorcycle, stopped the forest official and started abusing and also tried to assault them.
3. Learned counsel for the applicants submits that the applicants are in detention since 28.03.2016. He further submits that applicants have no criminal background and have been falsely implicated in the case as it was the forest

official who tried to assault the applicants, and therefore, the applicants may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the ground that present applicants is said to have abused and assaulted the forest official while they were discharging their duties.
5. I have heard the counsel appearing for the parties.
6. Without commenting on merits, considering the totality of the facts and circumstances of the case and also considering the fact that the applicants are in detention since 28.03.2016, 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 the applicants Sanat Diwakar and Dharmendra Diwakar shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- each with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE