

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 792 of 2016

1. Kisu Begum, W/o Jan Ali Aged About 45 Years R/o Melapara, Irani Mohalla Chatidih Police Station Sarkanda Tahsil & District Bilaspur Civil & Revenue Distt. Bilaspur Chhattisgarh.
 2. Shahjadi Begum W/o Raju Ali Aged About 48 Years R/o Melapara, Irani Mohalla Chatidih Police Station Sarkanda Tahsil & District Bilaspur Civil & Revenue Distt. Bilaspur Chhattisgarh.
 3. Najma Khan W/o Munnawar Ali Aged About 40 Years R/o Melapara, Irani Mohalla Chatidih Police Station Sarkanda Tahsil & District Bilaspur Civil & Revenue Distt. Bilaspur Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through : - Police Station Sarkanda, Distt. Bilaspur Chhattisgarh
- Respondent**

For the applicants	: Mr. Dhirendra Pandey, Advocate
For the Respondent	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.08.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicants in connection with Crime No. 409/2016 registered at P.S. Sarkanda, Distt. Bilaspur (C.G) for the offence punishable u/s 186, 353, 294 read with section 34 of IPC.
2. As per the prosecution case, on 20.06.2016 the Police officers wanted to apprehend accused Server Ali for the reason that he was suspected in an offence of chain snatching, therefore, the Police went in civil dress to the house of applicants to apprehend accused Server Ali. While Server Ali was caught, at that time, the present applicants

assaulted the police officers to facilitate Server Ali to flee away from the scene thereby the offence is committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and since the police officers were not in uniform and they came in civil dress the applicants could not identify them as police personnel and when the police wanted to enter into the house of applicants, the applicants objected which ultimately led to dispute.
4. Per contra, learned State Counsel opposes the bail.
5. A perusal of the case diary and the statements would go to show that while the accused Server Ali was being taken away by the police personnel for interrogation, they were restrained and assaulted by the applicants to facilitate Server Ali to flee away. Considering such facts and circumstances of the case, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE