

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No.2627 of 2016

Manish Kumar Rathore, S/o Shri Mewalal Rathore, aged about 34 years, Caste Rathore, R/o Quarter No.S.E. 557, C.S.E.B. Colony, Korba (East), Tahsil and Civil and Revenue District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Darri, Civil and Revenue District Korba (C.G.)

---- Non-Applicant

For Applicant : Mr. V.R. Tiwari and Mr. Indrasen Sahu, Advocates.
For Non-Applicant : Mr. Shashank Thakur, Government Advocate.

Hon'ble Shri P. Sam Koshy, J.

Order on Board

07/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the Applicant who is in jail since 20.04.2016 in connection with Crime No. 94 of 2014 registered at Police Station Darri, District Korba for the alleged commission of offence under Sections 307, 294 and 329 of the Indian Penal Code.
2. Allegation as per the prosecution case is that the present applicant, who projects himself as an RTI worker, is said to have tried to extort money from complainant Vikas Singh and his partner Rajendra Pateria who are basically contractors in Water Resources Department for a poor quality of work in a contract of maintenance and repair of a canal in the Korba Division. The further allegation is that when the said complainants refused to oblige, the present applicant is said to have assaulted them and in the course, Vikas Singh received certain injuries and it is also the allegation that the present applicant is said to have received injuries while assaulting Vikas Singh.
3. Learned counsel for the applicant submits that it is a case where the

applicant has been falsely implicated on account of his trying to expose the officers of the Water Resources Department and the contractors who in the name of maintenance of canal have committed grave misappropriation and when this fact was brought to the notice of higher authorities in the Department by the present applicant, it is said that the authorities have falsely implicated the applicant. It is also the contention of the present applicant that the present applicant was also assaulted by the complainant and other persons against whom also the present applicant has lodged FIR on the same day i.e. 15-5-2014 at Police Station Darri i.e. the police station having jurisdiction of the place of incident. Whereas the FIR and the complaints lodged by the complainant in the present case were lodged at a different police station i.e. Kusmunda which is not the police station having jurisdiction over the place of incident. Learned counsel for the applicant further submits that in fact, there is a statement recorded of one Nain Chaudhary, an Engineer of the Department in the case lodged by the present applicant wherein the said officer has categorically stated that on the date of incident, the present applicant was not armed with any weapon. Learned counsel also submits that the injury caused to the complainant is also simple in nature and therefore the present applicant may be released on bail as he has already remained in jail for about more than 1 ½ months.

4. On the other hand, learned counsel for the State however, opposes the bail application on the ground that the nature of allegations levelled against the present applicant being serious and that he had tried to create obstructions in the course of execution of the Government work therefore, he does not deserve to be released on bail.

5. Having perused the record, considering the aspect that large number of criminal cases have also been registered against the complainant party as is evident from the documents which have been filed by the applicant along with the bail application and which have not been

disputed or rebutted by the State Government and considering the totality of the facts and circumstances of the case and also taking note of the FIR lodged by either side, this Court is of the opinion that present is a fit case for grant of bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/- along with one surety of the like amount to the satisfaction of the concerned trial Court. He shall appear before the Court below on each and every date given to him by the said Court till disposal of the trial.

Certified copy of the order as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge