

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 138 of 2016

Loknath, S/o. Heeralal Sahu, Aged About 30 Years, R/o. Village Chisda,
P.S. Hassaud, Distt. Janjgir Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Hassaud
(wrongly mentioned as P.S. Sakti in the bail rejection order) Distt. Janjgir
Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Basant Dewangan, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.17/2015, registered at Police Station– Hassaud, District Janjgir-Champa (C.G.) for the offence punishable under Section 342, 394, 332, 186, 353 of Indian Penal Code and Section 131, 135, 135(A) of the Representation of Peoples Act, 1951.
2. Case of the prosecution, in brief, is that on 29.01.2015, 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 been falsely implicated in this case, as initially the applicant is not named in the FIR and subsequently his name has been inserted. He further submits that the similarly placed co-accused has been enlarged on bail by the co-ordinate Bench of this Court on 01.10.2015 in M.Cr.C. No.5212/2015, therefore, the present applicant may also be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, after verification, he do not dispute the fact that the similarly placed co-accused has been enlarged on bail by the co-ordinate Bench of this Court.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and considering the degree of allegation and the fact that similarly placed co-accused has been enlarged on bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge