

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.983 of 2016

Kamta Prasad, S/o Devisingh Jaiswal, aged about 40 years, R/o Village Sukli, Police Station Gidhouri, Out Post Girodhuri, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station Gidhouri, District Baloda Bazar-Bhatapara (C.G.)

---- Non-applicant

For Applicant:	Mr. Anil Gulati, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.173/2015, registered at Police Station Gidhouri, Distt. Baloda Bazar-Bhatapara, for the offence punishable under Sections 186, 332, 353, 294, 225, 147 and 148 read with Section 149 of the IPC.
2. Case of the prosecution, in brief, is that in the intervening night of 16-10-2015 and 17-10-2015, forest guards were on patrolling duty, they saw that from 374 Mahkoni Forest, Sagon plants were being stolen and 15-16 persons were intercepted, at that time, Anupam Sahu, Khikram Kalar, Lilaram and 13 other persons objected to it and assaulted forest guard Bhuneshwar Prasad Verma, and thereby committed the offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the

case. All the evidence has been collected and the applicant is in jail since 17-11-2015. Injuries as alleged are simple in nature, therefore, the applicant may be enlarged on bail. He further submits that similarly situated co-accused persons have already been enlarged on regular bail by this Court vide order dated 2-2-2016 passed in M.Cr.C. No.379/2016.

4. On the other hand, learned State counsel would oppose the application.
5. I have heard learned counsel for the parties and gone through the case diary. Charge-sheet has been filed in this case.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, charge-sheet has already been filed, taking into account the degree of allegations, nature of injury and co-accused persons have been granted bail by this Court vide order dated 2-2-2016 passed in M.Cr.C.No.379/2016, I am of the view that it is a fit case to grant bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge