

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5623 of 2016

1. Yuvraj Patel S/O Poonam Patel Aged About 28 Years R/O Village Chapale, Tahsil Kharsiya, District Raigarh, Chhattisgarh.
2. Vijay Patel S/O Poonam Patel Aged About 23 Years R/O Village Chapale, Tahsil Kharsiya, District Raigarh, Chhattisgarh.
3. Mahesh Patel S/O Poona Patel Aged About 20 Years R/O Village Chapale, Tahsil Kharsiya, District Raigarh, Chhattisgarh.
4. Poonam Lal Patel S/O Lilachand Patel Aged About 52 Years R/O Village Chapale, Tahsil Kharsiya, District Raigarh Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kharsiya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Mr. C.J.K. Rao, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 16-6-2016 in connection with Crime No. 243 of 2016, registered at Police Station Kharsia, District Raigarh (CG) for the offence punishable under Sections 186, 353, 294, 506-B, 189, 332, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 15-6-2016 when Assistant Sub Inspector, Nirmal Kumar Verma entered into the house of the applicants for investigation in connection with Crime No. 242 of 2016, at that time the applicants abused him and assaulted him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that without any rhyme or reason, at about 12 '0 Clock in the night the complainant along

with few of the police officials entered into the house of the applicants, misbehaved with them and also took away gold chain etc., for which a report was also made to Superintendent of Police. He would further submit that the applicants have been falsely implicated, charge-sheet has been filed in this case, they are in jail since 16-6-2015 and no further investigation is required, therefore, the applicants may be released on bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the complainant Nirmal Kumar Verma.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicants and considering the fact that charge-sheet has been filed and the applicants are in jail since 16-6-2015, I am inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju