

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4667 of 2016

1. Mohammad Saleem Ansari, S/o. Samsuddin Miya, aged about 27 years, Gobarbandha, Post Bariyar, P.S. - Ichak District – Hajaribag, (Jharkhand). Present resident of Rai Palace Urla, P.S. Pulgaon, Tehsil and District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Pulgaon, District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

16/09/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.158/2016, registered at Police Station – Pulgaon, District – Durg (C.G.) for the offence punishable under Section 294, 186, 353, 332, 333/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 24.03.2016 applicant along with other co-accused persons during Holi festival assaulted one Police Officer who was on his duty as he refused to participate in playing of colours and thereby he committed the aforesaid offence.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he was not involved in the crime and the applicant is in jail since 15.05.2016. It is further

submitted that similarly placed co-accused in this case has been enlarged on bail by this Court vide order dated 27.06.2016, in M.Cr.C. No.2334/2016, therefore the counsel prays that the applicant may also be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that similarly placed co-accused in this case has been enlarged on bail by this Court vide order dated 27.06.2016, in M.Cr.C. No.2334/2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge