

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6927 of 2016

- Ramesh Tiwari S/o Late Kawleshwar Tiwari Aged About 30 Years R/o Village Bojha Khadganwa, Police Station : Pratappur, District Surajpur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station Rajpur, District Balrampur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Vineet Pandey, Advocate.
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 70 of 2015 registered at P.S. Rajpur, Distt. Balrampur (C.G) for the offence punishable under Sections 186, 353, 332, 294, 506, 452, 323, 34 of IPC & Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1985.
2. As per the prosecution case, the present applicant along-with other accused Damru Singh, Jaideep Mishra, Sandeep Mishra, Vikas Soni deterred the police guard from discharging his duties and assaulted him by which he suffered injury and thereby they 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 this case. He would further submit that the applicant is a student and is in jail since 07.09.2016 and no useful purpose would be served by keeping him in jail. He

further submits that charge sheet has been filed and similarly placed co-accused Sandeep Mishra and Vikas Soni have been enlarged on bail by the coordinate Bench in M.Cr.C.No.2680 of 2015 on 17.06.2015, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail and would submit that the applicant and other accused were trying to commit malpractice and when the police guard interdicted him, he along-with other accused assaulted the victim. However, he is not able to dispute the fact that other accused Saneep Mishra and Vikas Soni have been enlarged on bail by the coordinate Bench.
5. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, defence of the present applicant, charge sheet has been filed and looking to the pretrial detention of the applicant as also the fact that similarly placed co-accused have been enlarged on bail by the coordinate Bench of this Court, I am of the considered view that prima facie it is a case where the applicant can be released on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE