

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7974 of 2016

- Motilal Sahu S/o Shri Ravishankar Sahu, Aged About 34 Years R/o Village Hasuwa, Thana Gidhouri, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Gidhouri, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-12-2016

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 on 18-11-2016 in connection with Crime No. 234 of 2016, registered at Police Station Gidhouri, District Balodabazar Bhatapara (CG) for the offence punishable under Sections 186, 353, 332, 109/34 of the IPC.
2. Case of the prosecution, in brief, is that on 13-11-2016 on being information received, Police Officers raided the house of Sadanand Sahu and some liquor was seized. It is alleged that the applicant interfered in the said proceeding and when Sadanand Sahu was being taken away by the Police, he entered into quarrel with Police officers and thereafter assaulted them and thereby committed the aforesaid offence.

3. Learned counsel appearing for the applicant would submit that the Police officers after search of the house of Sadanand Sahu, entered into the house of the applicant without search warrant and misbehaved with ladies and the applicant objected the act of the Police officers, therefore, the Police officers have registered false allegations against the present applicant in order to cover up their mistake. He would further submit that the applicant is in jail since 18-11-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents and perused the statements of the witnesses.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statements of the witnesses and also the fact that the applicant is in jail since 18-11-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

