

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 563 of 2017

1. Kishan Nirmalkar S/o Jivanlal Nirmalkar Aged About 26 Years R/o Village, Balbhadra Ward, Bhatapara, Police Station Bhatapara, District Balodabazar- Bhatapara, Chhattisgarh.
2. Govinda Devdas S/o Santosh Devdas Aged About 28 Years R/o Village, Balbhadra Ward, Bhatapara, Police Station Bhatapara, District Balodabazar- Bhatapara, Chhattisgarh. --- **Applicants**

Versus

- State of Chhattisgarh Through Officer-In-Charge, Police Station; Bhatapara City, District Balodabazar- Bhatapara, Chhattisgarh. --- **Respondent**

For the applicants	:	Mr.Mahendra Dubey, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 311/2016 registered at P.S. Bhatapara City, Distt. Baloda Bazar Bhatapara (C.G) for the offence punishable under Sections 294, 506, 332, 335, 186, 189, 34 of IPC.
2. As per the prosecution case, on 31.12.2016 one Hemant Upadhyay was going on motorcycle along-with the present applicants who were pillion riders. They were intercepted by the Police-men as three persons were riding on two wheelers. Consequently the applicants have become enraged and applicant No.1 stated that he belonged to Congress party, how he was stopped and assaulted the police constable Kumar Dhruv by a slap and his shirt was torn

thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and it is completely improbable to say that the complainant who was a police constable was assaulted as there was a police team consisting of 7 police personnel on the spot and it was not possible for any one to assault a police personnel in the presence of police team. He further submits that the charge sheet has been filed and the applicants are in jail since 01.01.2017, therefore, the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the written report of the complainant Kumar Dhruv. Taking into nature of such allegations as also the fact that the charge sheet has been filed and the applicants are in jail since 01.01.2017, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**