

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 806 OF 2017

Hasarat Ali S/o Julfikar Ali, aged about 20 years, R/o Indra Nagar, Hathkhoj, Police Station Bhilai-3, Tehsil Patan, Civil and Revenue District Durg (CG).

... Applicant

Versus

State of Chhattisgarh, through the Collector, Civil and Revenue District Durg (CG).

... Respondent

For Applicant	:	Shri KA Ansari, Sr. Advocate along with Shri Devesh G Kela, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/02/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 05.01.2017 in connection with Crime No. 03 of 2017 registered at Police Station Purani Bhilai, District Durg, for the offence punishable under Sections 147,148,149,186,332,353,341 and 307 IPC.
2. As per the prosecution, the allegation against the applicant is that he along with other accused persons is said to have on 02.01.2017 gathered at Indira Nagar demanding fair and proper investigation in respect of death of one Kamlesh Yadav. The police had lathi charged the mob. There was some stone pelting by the applicant as a result of which the police personnel received injuries. The applicant was arrested on 05.01.2017.
3. Learned Counsel for Applicant submits that in all there are 20 accused persons and all the other co-accused have already been granted bail by the trial court. He further submits that bail application of the applicant was denied by the trial court on account of he being involved in

stone pelting as a result of which some police officers sustained injuries. He further submits that the Applicant is in custody since 05.01.2017 and therefore he may be enlarged on bail.

4. However, learned Counsel for the State opposes the bail application and submits that taking into consideration the nature of offence committed by the applicant and also the fact that the injury has been caused upon the police personnels, he does not deserve bail.

5. Having heard the rival contentions put forth on either side and on perusal of record, particularly the fact that except for the present applicant, all other accused persons have been released on bail, in addition considering the age of the applicant who is a young boy of 20 years studying in B.Com Final Year and also the fact that there was a mob agitation seeking for fair and proper investigation in respect of death of one person, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge