

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6445 of 2017

- Dharam Singh Sethiya S/o Mannuram Sethiya, Aged About 53 Years
Caste Sundi, R/o Manganpur-Patelpara P.S. Nagarnar, District Bastar,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Nagarnar, District Bastar,
Chhattisgarh

---- Respondent

For Applicant	:	Mr. Manoj Mishra, Advocate
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

04/12/2017

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 in connection with Crime No. 186/2017, registered at Police Station- Nagarnar, District – Bastar(C.G.) for the offence punishable under Sections 294, 506, 332, 353, 186 & 324 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant is local leader of a political party, he is innocent and has been falsely implicated in the crime in question. On the basis of information that some persons are gambling in the village, the police party raided the spot and when the applicant tried to intervene in the matter, the police personnel firstly bashed him up and thereafter implicated him in a false case. Applicant is the local resident and is ready to abide by any

condition that may be imposed by the Court while releasing him on regular bail. Learned counsel prays that the applicant be enlarged on bail.

3. Opposing the bail application, it is submitted by the State Counsel that many criminal cases are registered against the applicant and out of which, two cases are of similar nature wherein he had assaulted the persons belonging to the Law Enforcing Agency. Thus, looking to the past history of the applicant, he is not entitled for bail.
4. Facts of the case are these that on 7.8.2017 upon receipt of the information that number of persons are gambling in village Manganpur, the police party raided the spot and caught hold of some persons in the village who were playing cards. One person came on the spot using abusive words for the police personnel and threatening to disrobe them of their uniform. He also used force against the police personnel by biting one of them with teeth. Consequently, FIR has been registered against the applicant.
5. Considering the submissions made and the contents of case diary, although the cases are registered previously against the applicant but there is no report as to his conviction in any of those cases. Further considering the fact that the case in hand is triable by the Magistrate, 1st Class the trial is likely to take some time for its disposal and that the applicant is the local resident of the locality whose availability before the trial Court shall not be compromised if he is enlarged on bail, I am of the opinion that present appears to be a fit case where the applicant should be enlarged on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on

furnishing a personal bond for a 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/-

(Rajendra Chandra Singh Samant)
Judge

Nisha