

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8375 of 2016

Fanendra Nath Sahu, S/o. Shri Heeralal Sahu, Aged About 31 Years, R/o. Village Hasuwa, Thana Gidhouri, Tahsil Kasdol, Civil & Revenue District Balodabajar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Sumit Shrivastava, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/01/2017

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.234/2016 registered at Police Station- Gidhouri, District Balodabazar- Bhatapara (C.G.) for the offence punishable under Sections 186, 353, 332, 109/34 of Indian Penal Code.
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 for the applicant would submit that the Police Officers have made a wrong search as such he was objecting to

such proceedings and being enraged, false allegations have been attributed against the present applicant. He further submits that the other co-accused Motilal has been enlarged on bail by this Court on 15.12.2016 in MCRC No.7974 of 2016, therefore, the present applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is unable to dispute the fact that the similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the similarly placed co-accused has been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge