

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 571 of 2018

- Ramkishun @ Lalu Jaiswal S/o Shri Alharam Jaiswal Aged About 31 Years R/o Village Kakedi, Chowki Saket, Police Station Pathariya, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki Saket, Police Station Pathariya, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Amit Singh, Advocate.
For Respondent/State	:	Mr. Vinod Tekam, Panel Lawyer.

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

19/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.667/2017, registered at Police Station- Pathariya, District – Mungeli (C.G.) for the offence punishable under Sections 186, 307, 294, 506 & 353 of the Indian Penal Code (for short 'IPC') & Section 34 (1) (A), 34 (2) & 59 (A) of the C.G. Excise Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 24.12.2017. He is a local resident of District Mungeli under the jurisdiction of PS- Pathariya and ready to abide by all the conditions and directions,

which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant has criminal antecedents and earlier also three cases were registered against him under the provisions of the Indian Penal Code. He further submits that a proceeding preventive in nature was also initiated against him under the provisions of CrPC. Hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident i.e. 23.12.2017, complainant ASI Lambodar Singh along with other police staff, on the basis of a secret information received, stopped van bearing registration CG10-AD-1563, which was being driven by present applicant. On seeing the raiding party, applicant threatened that he will kill them and saying so he started throwing liquor bottles towards the members of raiding party and thereby deterred/prevented them from discharging their duty as public servant. Thereafter the applicant was arrested, seizure was made from his possession, FIR was registered and charge-sheet has been filed after completion of investigation.
6. Considered.
7. No injury has been found on the body of any of the members of raiding party. Applicant is a local resident of District Mungeli and that suitable conditions can be imposed for ensuring his presence before the trial Court during trial. Hence, it is a fit case for grant of bail.
8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on

his 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/-
(Rajendra Chandra Singh Samant)
Judge

Nisha