

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 19 of 2018**

1. Sunny Nishad S/o Bhaishakhu Nishad, Aged About 22 Years R/o Patharaguda Ward Jagdalpur District Bastar Chhattisgarh, Chhattisgarh
2. Pintoo @ Ravi Dhruve, S/o Late Radheshyam Dhruve, Aged About 25 Years R/o Patharaguda Ward Jagdalpur District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station Kotwali / Jagdalpur District Bastar Chhattisgarh.

---- Respondent

For the Applicants	:	Shri P.K. Tulsyan, Advocate.
For the Respondent/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.02.2018**

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.348 of 2017, registered at Police Station Kotwali, Jagdalpur, District – Bastar, Chhattisgarh for the offence punishable under Sections 294, 323, 186, 353, 332, 283, 427, 506 and 307/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 28.11.2017 and they have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The co-accused persons in this case have been granted bail in M.Cr.C. No. 7418 of 2017 and according to the

allegations in the case, the bailed out accused persons were the main accused persons. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that police constables were assaulted by these applicants and other co-accused persons, hence, serious offence has been committed because of which, the applicants are not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. On 5.9.2017 during the festival of immersion of Ganesh Idols, some dispute took place between co-accused persons – Naresh Sinha with Narsingh Sinha and the constables present on the spot, with respect to parking on account of which, some exchange of words also taken place. It is alleged that the above named co-accused persons assaulted two traffic police persons and caused injuries to them. Hence, this case.

6. As the co-accused persons who are the main assailants have been benefited with grant of bail, the case of these applicants is also similar in nature and no purpose would be served if the applicants are kept in detention for the whole period of trial, hence, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge