

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 48 of 2018**

Chhannulal Sahu, S/o. Shri Phalendra Sahu, Aged About 28 Years, R/o. Village -Rakhi, P. S. Rakhi, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station -Rakhi, District -Raipur Chhattisgarh.

---- Respondent

M.CR.C. No. 367 of 2018

Hemant Tarak, S/o. Tijau Tarak, Aged About 19 Years, R/o. Village Rakhi Colony, Tahsil- Aarang, P. S. Rakhi, District -Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station -Rakhi, District- Raipur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Praveen Kumar Tulsyan & Ms. Mandvi Bhardwaj, Advocates
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/03/2018**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.150/2017, registered at Police Station – Rakhi, District – Raipur (C.G.) for the offence punishable under Section 294, 506, 186, 353, 332, 333, 34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them on the basis of the material present in the charge-sheet. Applicants are in jail since 23.12.2017 and they are ready to abide by all the conditions imposed while enlarging them on bail, hence it is prayed that the applicants be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. On the date of incident, cultural program was held in village – Rakhi in which the police force were deputed for law and orders purpose, it was at that time, some persons started dancing on the stage, then some deputed constable asked them to stop dancing, because of which exchange of words took place between both the applicants with the constable present on the duty. It is alleged that applicants abused, threatened and assaulted the police constable by throwing stone on them because of which one constable Youraj Sahu got injured because of the pelting stone. After lodging of FIR, case has been registered against these applicants.

7. Considered the submissions made and the contents of the case diary. Considering on the material present in the case against the applicants and further considering the fact that charge-sheet in this case has been filed and the trial against the applicants are likely to take sometime for its conclusion, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicants shall be released on bail on their 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge