

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 677 of 2018

1. Dol Narayan Dansena S/o Aktiram Dansena, Aged About 46 Years, R/o Village Jabalpur, Tahsil Kharsiya District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
2. Narayan Dansena S/o Aktiram Dansena, Aged About 36 Years, R/o Jabalpur Tahsil Kharsiya District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Bhupdevpur District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicants – Ms. Sharmila Singhai and Mr. Sanjay Agrawal, Advocate.
For Non-applicant/State – Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 04-01-2018 in connection with Crime No.91/2017, registered at P.S. Bhupdevpur, District Raigarh Chhattisgarh for the offence under Section 186, 353, 294, 506(B), 323, 225, 332, 224, 34 of the IPC.
2. It is submitted on behalf of the applicants that the applicants are innocent and have been falsely implicated in this case. Main accused Dolnarayan Dansena has been granted bail in another matter registered against him arising out of the same incident under the provision of C.G. Excise Act in MCRC No.562/2018 by this Court. No case is made out against this applicant. The applicants are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that they may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the applicants have assaulted public servant on duty, hence, they are not entitled for grant of bail.

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

5. On the date of incident police personnel of P. S. Bhudevpur, Distt. Raigarh, raided the spot of incident where applicant No.1 was found in possession of 12 liters country made liquor and other utensils. During the registration of the offence under the provision of C.G. Excise Act and making arrest of applicant No.1, applicant No.2 arrived on the spot and assaulted police personnel with club causing injuries and rescuing applicant No.1 from the custody of police personnel, the complainant and others were threatened with dire consequences. Charge sheet has been filed after completion of the investigation.

6. Considered on the submissions made and the contents of the case diary.

7. The applicants are in jail since 04-01-2018, they are local residents of Tahsil Kharsiya, District Raigarh, there appears to be no likelihood of their absconding, all the offences are triable by the JMFC, hence, for these reasons I am of this view that the applicants should be released on bail during pendency of the trial against them.

8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge