

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2445 of 2018**

1. Poltu Choudhary S/o Late Haripad Choudhary Aged About 48 Years R/o- Kopabedha Ward, Kondagaon, P.S. And District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh
2. Banti @ Subhash Choudhary S/o Shivprasad Choudhary Aged About 42 Years R/o- Dharpura, Jagdalpur, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through- Police Station- Kondagaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh.

---- Respondent

For the Applicants : Shri Shobhit Koshta, Advocate.
 For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.05.2018**

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 applicants who have been arrested in connection with Crime No.74 of 2018, registered at Police Station Kondagaon, District – Kondagaon, Chhattisgarh for the offence punishable under Sections 294, 353, 186, 188 and 332 read with Section 34 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants are in jail since 12.03.2018 and have been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. On the basis of

the material available in this case, no case is made out against the applicants. 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 the allegation against the applicants is that they have assaulted and abused a public servant, which is serious. Hence, the applicants are not entitled for grant of bail.

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

5. According to the prosecution case, complainant – Dinesh De is a Revenue Inspector and had been to the house of the applicant for realization of taxes. The applicant had objection that there is no electricity or water supply, hence, he will not pay any tax. Thereafter, he abused and assaulted the complainant and thus, deterred him from performance of official duty.

6. As the case is presently before the trial Court, the case is triable by the Judicial Magistrate First Class and the conclusion of the trial is likely to take some time for its final disposal, I am of the considered view that in this case the applicants deserve to be enlarged on bail.

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

Nimmi