

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5239 of 2019

- Imran Khan, S/o Shri Bablu Khan, Aged About 31 Years, Caste Momin Resident of Nagar Panchayat Pandariya, Ward No. 10, Police Station Pandariya, District-Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Pandariya, Civil & Revenue District-Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Chandra Kumar, Advocate.
For Respondent	:	Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/09/2019

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.61/2019 registered at Police Station–Pandariya District– Kabirdham(C.G.) for the offence punishable under Sections 294, 506, 323, 186, 353 & 332 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 30.4.2019. The applicant has not committed any offence. Charge-sheet has been filed, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant is habitual offender and many previous cases registered against him for which he has been prosecuted, therefore, his application be rejected.
4. In reply, it is submitted by counsel for applicant that there is no information regarding previous cases. However, applicant was at liberty when he was arrested in this case.
5. Heard both the parties and perused the case diary.
6. It is alleged that on the date of incident, Constable Suresh Chandrakar and others were on patrolling duty when they received information about one incident and went to the place. They found, that the applicant was assaulting one Deepak and Poshan Vaishnav. When the complainant and other police constables tried to intervene the applicant deterred them performing official duty and assaulted and abused them, causing injuries to them. Hence, this case.
7. Considering that charge-sheet has been filed and case is now pending for trial, therefore, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on 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

