

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.R.C. No. 3016 of 2020**

1. Ashok Kumar S/o Kalashu Ram Dhanuhar Aged About 33 Years
2. Chhatarpal S/o Ramayan Singh Dhanuhar Aged About 25 Years
3. Jai Kumar S/o Pardesiram Dhanuhar Aged About 24 Years
4. Soni Kumar S/o Mangal Singh Dhanuhar Aged About 25 Years

All are R/o Village Chandapara Police Station Kota District Bilaspur Chhattisgarh.

---- Applicants***Versus***

State of Chhattisgarh, Through : The Station House Officer, Police Station Kota Civil and Revenue District Bilaspur Chhattisgarh.

---- Respondent

For Applicants	: Mr. K.P.S. Gandhi, Advocate
For Respondent/State	: Mr. Sameer Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

08/06/2020

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.161/2020, registered at Police Station – Kota, District – Bilaspur (C.G.) for the offence punishable under Section 186, 353, 333, 294, 427, 147 of the Indian Penal Code.
2. 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 the applicants. They are in jail since 15.04.2020. Similarly placed co-accused persons have been granted bail by the Coordinate Bench of this Court. Hence, it is prayed that the applicants may also be enlarged on regular 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 of serious nature of assaulting the public servant for the purpose of deterring him from performance of his official duty, therefore, they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the complainant and his team had been on the spot to make seizure of articles of manufacturing illicit liquor. It was at that time 8-10 persons attacked the complainant, who was Excise Sub-inspector and his staff members causing injuries to them and also causing destruction to the property, the vehicle of the State. After lodging of FIR, the name of the applicants have appeared in the statement under Section 161 of Cr.P.C.
6. Considering the facts and circumstances of the case and also looking the period of detention of the applicants undergone in jail, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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

Balram