

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8854 of 2020

1. Shambhu Sahu S/o Gangaram Sahu, Aged About 30 Years, R/o Laripara, Kota, District Bilaspur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Kota, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Shri Vikas Pandey, Advocate.
For Respondent/State	:	Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

07/01/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 18/11/2020 in connection with Crime No. 99/2020 registered at Police Station Kota, District Bilaspur (C.G.) for the offence under Sections 186, 294, 333 of IPC.
- 2) Allegation against the applicant is that on 09/03/2020 on the occasion of Holi festival when the complainant Constable No. 902 alongwith other staff was on duty for maintaining peace, in front of Welcome Distillery gate some anti social element creating nuisance. When the complainant and the other Police staff persuaded them not to do so, the present applicant Shambhu Sahu started filthily abusing the Police party and also assaulted on the head of the complainant by his hand with a club threatening to kill him which warded off by the complainant by his hand as a result of which he suffered injury on his little finger. When the other Police staff intervened in the matter, they were also assaulted by the complainant with club. On report being

lodged to the above effect, offence under the aforesaid section has been registered against the applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 18/11/2020, charge sheet has not been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, he is in jail since 18/11/2020, charge sheet has not been filed and fact that the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **two** sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail. He is directed to appear before the Trial Court on each and every date given to him by the said Court, till disposal of the trial.
- 7) It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

-Sd/-
(Gautam Chourdiya)
Judge