

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3229 OF 2015**

Ram Kumar S/o Late Shri Hirawan Khairwar, aged about 56 years, R/o Village Moharsop, Police Station Chandi, Tahsil Odgi, District Surajpur Chhattisgarh.

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate Korba Police Out Post : Moharsop, Police Station Chandni, District Surajpur (C.G.)

---Non-applicant

For Applicant	:	Mr. Sushil Dubey, Advocate
For Non-applicant	:	Mr. Qamarul Aziz, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/07/2015**

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. 13/2015, registered at Police Out Post Moharsop, P.S. Chandni, District Surajpur (C.G.), for the offence punishable under Section 436 read with Section 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that applicant and other co-accused persons are said to have burnt and damaged the house of complainant and caused damaged to the extent of Rs.10,000/- and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that there is land dispute between applicant and complainant-Uday Chand. He would further submit that applicant is in jail

since 04/05/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; age of the applicant; role of the present applicant in offence in question and applicant is in jail since 04/05/2015, this Court is of the opinion that present is the fit case, in which, the applicant 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 applicant shall be released on bail on 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 his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE