

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6878 of 2015

Naresh Kumar Nag S/o. Chain Singh Nag, Aged 23 Years, R/o. Village Lakhanpuri, Tahsil and Police Station Charama, District U.B. Kanker (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through – Police Station -Charama, Civil and Revenue District Uttar Bastar Kanker (C.G.)

---- Respondent

For Applicant : Mr. Raj Kumar Gupta, Advocate

For Respondent : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 280/2015 registered at Police Station- Charama, District Uttar Bastar Kanker (C.G.) for the offence punishable under Sections 341,294,323,506 of IPC and section 3(i) (x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, on 07.10.2015 while the victim was going to her college on scooty at that time the applicant stopped her, abused and told that if the compromise is not being done in the earlier case which is pending against him, he will kill the complainant. Consequently a report was made against him for the offence punishable under section Sections 341,294,323,506 of

IPC and section 3(i) (x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case; since the earlier report was made by the victim and the applicant was bail out therefore, in order to implicate him, the prosecutrix again filed a false complaint case against the present applicant and considering the role played by the applicant he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail.
5. Having regard to the totality of the facts and circumstances of the case and also considering the gravity of offence and the degree of allegations levelled against the applicant and further considering the manner in which the offence committed as also the fact that the applicant is in jail since 09.10.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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/-

(Goutam Bhaduri)
Judge