

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7098 of 2015

1. Sukhchain, S/o. Bahoran Markam, Caste-Gond, aged about 25 years, R/o. Village- Parsada (Parsaha) Chowki – Pondi, Police Station – Bodla, District – Kabirdham (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : District Magistrate, Kabirdham, Police Station- Bodla, District – Kabirdham (C.G.)

---- Respondent

For Applicant	: Mr. Ashok Das Vaishnav, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/12/2015

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.176/2015, registered at Police Station – Bodla, District – Kabirdham (C.G.) for the offence punishable under Section 323, 324, 456 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 14.11.2015 at about 8.30, the complainant went to answer the nature's call, when he came back he saw Sukhchain, the applicant was sitting inside the room and when asked about how he has come, he assaulted by way of bricks and thereafter giving bite run away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case due to previous animosity. He

would further submit that charge-sheet in this case has been filed and the applicant is in jail since 17.11.2015, therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstance of the case, the degree of allegation levelled against the applicant and the fact that charge-sheet in this case has been filed, the offences are triable by JMFC and the applicant is in jail since 17.11.2015, this Court is of the opinion that present is a 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 his 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/-
(Goutam Bhaduri)
Judge