

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7155 of 2015

- Ram Kumar S/O Mohar Sai Aged About 45 Years R/O Village Dhaneshpur, Police Station Surajpur, Tahsil - Ramanuj Nagar, District Surajpur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Surajpur, District Surajpur Chhattisgarh

---- Respondent

For the applicant	:	Ms. Nirupama Vajpai, Advocate
For the Respondent	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.12.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 262/2015 registered at P.S. Surajpur, District Surajpur (C.G) for the offence punishable under Section 147, 148,149, 294, 506-B. 427. 436 of IPC.
2. Case of prosecution, in brief, is that on 06.07.2015 a report was lodged by Babulal Gond that out of a dispute broke out between the complainant party and accused Murari Kushwaha, Rudrapratap , the accused stormed and intruded into the house of the complainant and thereafter set it on fire, thereby the applicants have committed the offence.
3. Learned counsel for the applicant submits that the dispute arose out of previous enmity about the land and a false report has been made against him since prior to this incident, wife of co-accused Murari Kushwaha was seriously assaulted by the complainant party. He would submit that

Panchnama which is placed on record would show that the house which is said to be set on fire wherein complainant Babulal was not residing which would be evident from the statements of Sarpanch and other witnesses of the village. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 02.09.2015. He also submits that the case of the present applicant is not different from that of other co-accused Rudra Pratap Kushwaha, Murari Kushwaha and Panna Lalal as also Vijay Singh and others who were enlarged on bail by common order dated 17.11.2015 passed by this Court in M.Cr.C.No.6117 & 6120 of 2015, therefore, the present applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, after verification he do not dispute the fact that the other co-accused whose case is not different from that of the present applicant have been enlarged on bail.
5. Taking into fact that similarly placed co-accused have been released on bail by this Court and also considering the detention of the applicant as he is stated to be in jail since 02.09.2015 and the charge sheet in this case has been filed, I am inclined to release him on bail.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He shall also appear before the trial Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE