

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7089 of 2015

Rajesh Banjare, S/o. Dilip Banjare, aged about 19 years, R/o. Mini Basti Jarhabhata, Bilaspur, P.S. Civil Line, Bilaspur, Tahsil and District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Civil Line, Bilaspur District Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. Shailendra Dubey, Advocate
For Respondent/ State	:-	Mr. Vinod Tekam, Panel Lawyer

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 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 573/2015 registered at Police Station- Civil Line, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Sections 452,294,323,506,325,458,459 and 34 of IPC.
2. As per the prosecution case,in brief, is that on 21.09.2015 a report was made by Tarambai, she was informed that her younger son Raju was being beaten by some persons, therefore, she reached the spot and saw that her son was lying on the ground thereafter she took her son to their house and after some time the applicant alongwith other co-accused entered in her house and assaulted them. Thereby the offence has been committed.
3. Counsel for the applicant submits that the FIR was lodged under section 452,294,323,506,325/34 of IPC. Subsequently, the

applicant was bailed out and he did not misuse the liberty of bail.

Thereafter the charges under section 458 and 459 was added. He further submits that the applicant has not misused the liberty of bail as granted to him therefore, he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. Considering the facts and circumstances of the case and the degree of allegation levelled against the present applicant; and the fact that the applicant was enlarged on bail and he did not misuse the liberty of bail and considering the detention of the applicant as he is in jail since 20.11.2015, 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