

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4203 of 2015**

Mohan Lal Kashyap S/o Kunwar Singh, aged 37 years, R/o-Selar, P.S.-Sipat,
Dist-Bilaspur (CG)

---Applicant**Versus**

State of Chhattisgarh Through : S.H.O.-Sipat, District-Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. V.C.Ottalwar, Advocate.
For-Non-applicant	:	Mrs. Madhu Nisha Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/08/2015**

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.133/2015, registered at Police Station-Sipat, Distt.Bilaspur (CG), for the offence punishable under Section 436 of the IPC.

2. Case of the prosecution, in brief, is that, on 21.4.2015 at about 12 midnight the applicant is alleged to have burnt the house and household articles of complainant Jawahar Kurmi, by which household articles worth Rs.4,00,000/- got burnt and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and he has been falsely implicated in offence in question. He would further submit that applicant is in jail since 9.7.2015, the offence is said to be 21.4.2015 and F.I.R. has been lodged on 8.7.2015 and

there is no explanation of delay in lodging the F.I.R., therefore, the applicant deserves to be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that there is no reason to falsely implicate the present applicant and eyewitnesses Anusuiya and Ramcharan have seen the applicant setting fire to the house and household articles of the complainant and as such, he is not entitled to be released on bail.

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; the manner in which the applicant is alleged to have set fire to the house of the complainant and said to be witnessed by Anusuiya and Ramcharan, by which property worth Rs.4,00,000/- got burnt, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-