

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6238 of 2015

Ravi Jhariya S/o Parmeshwar Jhariya Aged About 35 Years R/o
Bapu Nagar, Raigarh, Tahsil And District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Raigarh, District
Raigarh Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Ashish Gupta, Advocate
For Respondent/ State	:-	Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

23/11/2015

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. 287/2015 registered at Police Station- City Kotwali, Raigarh District Raigarh (C.G.) for the offence punishable under Section 294,506,323/34,394 of IPC.
2. As per prosecution story, on 05.04.2015 the applicant alongwith other co-accused persons were assaulted to the complainant by way of club and looted an amount of Rs. 13,000/- from the pocket of complainant and also looted a Micromax mobile by the applicant and other co-accused.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that due to quarrel between the complainant and the applicant a false case has been made against the applicant. He further submits that the dispute arose between the friends therefore, the

named report has been made and no recovery has been made from the applicant and therefore, the applicant may be enlarged on bail.

4. Per contra, counsel for the State opposes the prayer for grant of bail.
5. Having regard the fact that no recovery has been made from the possession of the applicant and no role has been played by the applicant. Considering the total facts and circumstance of the case and particularly the period of detention, I am of the opinion that it is a fit case where the applicant can be released 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge