

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6840 of 2015

1. Toman Soni, S/o. Late Jiwan Lal Soni, aged about 19 years, R/o. Village- Dhaneli, Police Station – Dharsiva, Tahsil & District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station - Dharsiva, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/12/2015

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.285/2015, registered at Police Station – Dharsiva, District – Raipur (C.G.) for the offence punishable under Section 394 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the complainant, Ram Prakash Yadav while was coming from his duty he was intercepted by this applicant alongwith two other co-accused persons, thereafter assaulted and looted Rs.1,000/- and one mobile and thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that charge sheet in this case has been filed and there is no chance of

tampering of evidence. He would further submit that the applicant is in jail since 11.09.2015, therefore, the counsel 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 circumstances of the case and the degree of allegation levelled against the applicant. Further taking into the fact that charge sheet in this case has been filed, the offence is triable by JMFC and the applicant is in jail since 11.09.2015, 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