

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7100 of 2015

1. Suresh Kumar, aged about 32 years, (as per final report 25 years), S/o. Latelram Chandrasen, Occupation-Labour,
2. Sushil Chandrakar (as per final report Sushil Kumar Chandrakar), aged about 35 years, (As per final report 28 years), S/o. Lakhanlal Chandrakar, Both are R/o. Kunda, Tahsil-Pandariya, District-Kabirdham (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : District Magistrate, Kabirdham, District – Kabirdham (C.G.)

---- Respondent

For Applicants	: Mr. Dinesh Tiwari, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

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 applicants who have been arrested in connection with Crime No.147/2015, registered at Police Station – Kunda, District – Kabirdham (C.G.) for the offence punishable under Section 341, 186, 353, 332, 294, 506/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 01.10.2015, the complainant while coming back from patrolling duty, he spotted, the applicants, who were going in motor cycle from Kunda to Akhara and are kept something in the motor cycle, they were intercepted and their names were asked and they were found in intoxication, which resulted into an altercation and they threw bottle on the complainant and thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that the applicants are in jail since 01.10.2015 and charge-sheet has been filed, 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 taking into consideration the nature and the gravity of offence and the way the offence has been committed and further considering the fact that the charge sheet in this case has been filed and the applicant is in jail since 01.10.2015, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge