

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5625 of 2015

Shatrughan Yadav, S/o. Laxman Singh, Aged About 45 Years, Caste-Tethwar, R/o. Village Koudikasa, Police Station- Ambagarh Chowki, District Rajnandgaon (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station-Dongargaon, District Rajnandgaon (C.G.).

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2015

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.263/2015 registered at Police Station- Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Section 392 of IPC.
2. Case of the prosecution is that a complaint lodged by the complainant Anishpuri Goswami that on 08.09.2015 when he was taking meal at Jhankar Dhaba at village Amlidih, the applicant has looted an amount of Rs.10,000/- & mobile phone and thereafter he was fled away from his Duster Car. Subsequently, a report was lodged by the complainant and the applicant was arrested and thereafter the charge sheet has been filed.
3. Learned counsel for the applicant submits that as per the way the incident said to have been reported shows the falsity of the complainant who is the Journalist of Haribhoomi newspaper

himself has committed the offence as it would be evident from the newspapers cutting, which has been filed alongwith the bail application. It is further submitted that the charge sheet has been filed and the applicant is in jail since 09.09.2015 and the offence is triable by JMFC, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet has been filed and considering the facts which has been stated and the offence is triable by the JMFC, without any observation on merit, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned trial Court. He is directed to appear before the trial court on each and every date given by the said Court.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge