

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 2130 OF 2016**

Vinod Kumar Tiwari aged 38 years S/o Late Mahendra Nath Tiwari LIG-562 Padmanabhpur Durg P.S. Durg Tehsil, Civil and Revenue District Durg (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate Durg District Durg (C.G.)

---Non-applicant

For Applicant	:	Mr. Jaideep Singh Yadav, Advocate
For Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/04/2016**

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. 274/2015, registered at Police Station Newai, District Durg (C.G.), for the offence punishable under Sections 294, 452, 506-B, 195, 323 of the I.P.C.

2. Case of the prosecution, in brief, is that, on

26/10/2015, applicant entered into the house of complainant Ms. Mala Manish; abused her; threatened her to give false evidence and also assaulted her by knife, by which, she suffered simple injury and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that charge sheet has been filed and applicant is in jail since 02/03/2016 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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; role of the applicant; nature of injury; charge sheet has already been filed and pretrial detention of the applicant, this Court is of the opinion that present is the 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 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/-

(Sanjay K. Agrawal)
Judge