

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 2298 OF 2016**

Pappu Kumar Anant son of Shobharam Anant aged about 32 years R/o Ward No. 06 Lawan Chowkii Police Station Kasdol District Baloda Bazar Bhatapara (C.G.)

---Applicant**Versus**

The State of Chhattisgarh, Through Police Station House Officer Kasdol District Baloda Bazar Bhatapara (C.G.)

---Non-applicant

For Applicant	:	Mr. Sumit Jhanwar, Advocate
For Non-applicant	:	Mr. Dilmanrati Minj, Dy. GA

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/05/2016**

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. 07/2016, registered at Police Station Kasdol, Distt. Baloda Bazar Bhatapara (C.G.), for the offence punishable under Sections 147, 148, 149, 452, 186, 307, 477, 332, 436, 336 of the Indian Penal Code and Sections 3 & 4 of

Prevention of Damage to Public Property Act, 1984.

2. Case of the prosecution, in brief, is that on 02/01/2016 in a vehicular accident, one girl died near Bus Stand Lawan and thereafter applicant and other co-accused persons pelted stones on the Police Station by which Constable- Tarachand suffered grievous injury which was sufficient to cause death and also entered into Police Station. They wrongfully damaged the public property and the documents kept therein.

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 applicant is daily-wager employee. He would also submit that since the applicant was present at Bus Stand, he has wrongly been implicated in the case. He would also submit that applicant has not been named in the FIR and his name is included in the record on 05/03/2016 for the first time by Baliram Rawate. He would lastly submit that charge sheet has been filed and applicant is in jail since 05/01/2016 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; defence of the applicant; 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