

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3439 of 2016

1. Vinod Kumar Sahu, S/o. Mallu Sahu, Aged About 32 Years.
2. Pramod Kumar Sahu, S/o. Mallu Sahu, Aged About 21 Years.

Both R/o. New Santoshi Para, Near Old Liquor Shop, Police Station
Chhawani, Camp No.02, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police
Station Chhawani, District Durg, Chhattisgarh

---- Respondent

For Applicants : Mr. A.P.Sharma, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.258/2016 registered at Police Station- Chhawani, District Durg (C.G.) for the offence punishable under Section 436/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 24.04.2016 the applicants set fire to the shop of one Sunil Mourya on a previous enmity, thereby, the belt, cap, sleeper and Maruti Van was set to fire and loss to the extent of Rs.2.5 Lacs was caused.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated for the reasons that initially in Crime No.188 of 2016 a report was made by the present applicants against Sunil Mourya as the applicants were assaulted because

they refused to give money for liquor to the complainant and the complainant was arrested. Subsequently, he came out and a false report has been made. He further submits that no one has seen the applicants, therefore, they may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the complainant and the witness. The incident is stated to be of 4 A.M. and it is stated that the complainant was also sleeping in the shop. Considering such statement and the background of the case as the complainant was earlier inculpated in the report of the present applicants under Section 294, 506, 323, 327 of I.P.C., I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their 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.

Sd/-
(Goutam Bhaduri)
Judge