

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3762 of 2016

- Aakash Kumar @ Aashu Yadav S/O Rajendra Kumar Yadav Aged About 21 Years (Wrongly Mentioned Father Name Of The Applicant As Rajendra Yadav In The Rejection Order) R/O Village Bhejamaidani, Post Office & Police Station Gurur, District Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sihawa, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate
For Respondent/State : Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 17-4-2016 in connection with Crime No. 26 of 2016, registered at Police Station Sihawa, District Dhamtari (CG) for the offence punishable under Sections 435, 436 & 120 (B)/34 of the IPC.
2. As per prosecution case, in the intervening night of 12 & 13-4-2016 the applicant along with other co-accused set fire to the vehicle of the complainant Sheik Shadru as co-accused Narendra was in love relation with the daughter of Akram Ali and the marriage of son of the complainant was fixed with the daughter of Akram Ali, therefore, to take revenge the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, there is no

evidence available directly against the applicant that he has committed the aforesaid offence and the allegations are attributed to co-accused Narendra. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 17-4-2016 and no further investigation is required, therefore, he may be released on bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts of the case, nature of allegation leveled against the applicant, considering the statements of the witnesses and the evidence so far collected, without any observation on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju