

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3052 of 2016

Israr Qureshi S/o Mustafa Qureshi Aged About 22 Years R/o Krishna Nagar, Sangam Chowk, Near Farid Nagar, Police Station Supela, Tahsil & District Durg Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Supela, District - Durg Chhattisgarh.

---- Respondent

For Applicant	: - Mr. Dhirendra Prasad Mishra, Advocate
For Respondent/ State	: - Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

22/06/2016

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 in connection with Crime No. 236/2016 registered at Police Station- Supela, District Durg (C.G.) for the offence punishable under Sections 436/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 29.02.2016, the applicant along with the other co-accused person have set on fire scooty of the complainant Amarnath Sahu, thereafter the report was made on 08.03.2016. During the investigation, the applicant was arrested and on the basis of memorandum statement scooty was set on fire by pouring petrol, disposal glass and match box which were recovered at the instance of the applicant, thereby the offence has been committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case and there is no any eye witness. He further submits that only on the memorandum statement certain disposal glass were recovered and it can not lead to any evidence and he has been falsely implicated in this case, therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the document and the fact that the charge sheet has been filed, it appears that no eye witness has been cited and on the basis of memorandum statement, the applicant has been inculpated. Taking into the fact and the evidence which is available on record, this Court is of the opinion, that present is a fit case, in which, the applicant may be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge