

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 94 of 2016

Suresh Kumar Chandrakar, S/o. Ramkhilawan Chandrakar, aged about 26 years, R/o of village- Kishangarh, Police Station – Pandaria, District Kabirdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through In-charge, Police Station Pandaria, District Kabirdham (C.G.)

---- Respondent

For Applicant	:-	Ms. Usha Chandrakar, Advocate
For Respondent/ State	:-	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2016

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. 97/2015 registered at Police Station- Pandaria, District – Kabirdham (C.G.) for the offence punishable under Section 294, 323, 506 of IPC and section 3(1)(10) of the Scheduled Caste and Scheduled Tribe of (Prevention of Atrocities Act).
2. Case of the prosecution, in brief, is that, on 18.04.2015, the complainant Rohi in the capacity of Sarpanch went to the house of the applicant and asked him to provide water to the villagers as he was using the pump as his own pump by removing the public hand pump. On this count, the applicant abused and assaulted the complainant. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. She further submits that there is political rivalry between the parties, and for this reason a false report has been lodged against the applicant. She further submits that the charge sheet has been filed in this case and the applicant is in jail since 15.12.2015, therefore, he may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact the degree of offence and the nature of allegation levelled against this applicant; the fact that the charge sheet in this case has already been filed and the applicant is in jail since 15.12.2015. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge