

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3618 of 2016

Ramlal Sahu, S/o. Lachchhiram Sahu, Aged About 55 Years, R/o. Village Bodtara Kala, Chauki Chilfi, P.S. Lormi, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Chauki Chilfi, P.S. Lormi, District Mungeli, Chhattisgarh

---- Respondent

For Applicant : Mr. Aditya Sharma, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.07.2016

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 in connection with Crime No.128/2004 registered at Police Chauki- Chilfi, Police Station- Lormi, District Mungeli (C.G.) for the offence punishable under Section 427, 435, 436, 285 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made on 17.03.2004 that the applicant while threshing the pulses was smoking and threw a burning match stick into the adjoining *Badi* which caught fire and the fire further extended which destroyed the paddy and the houses. Subsequently, the charge sheet was filed and the applicant was absconding and on 06.06.2016, he was arrested.
3. Learned counsel for the applicant would submit that the applicant was a labour and he had gone out to earn his livelihood and was

not aware of the fact that certain charge sheet has been filed. It is further submitted that the applicant was not a resident of the village and could not know that some charge sheet has been filed and reading of the statement of the witness would also show that the case under Section 436 of IPC is not made out, as the negligence has been attributed in the statement of the witnesses; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and statement of Gulab Dhiwar and Surja Bai wherein it is stated that by negligence the burning match stick was thrown into the stored straws. Taking into such statement and nature of allegation and the fact that the applicant is in jail since 06.06.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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 local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge