

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3879 of 2016

Khageshwar Das Mahant, S/o. Lavleen Das Mahanat, Aged About 42 Years, Caste - Panika, R/o. Badadarha, P.S. & Tahsil Dabhra, Distt. Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Dabhra, Distt. Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Tripathi, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.07.2016

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.99/2016 registered at Police Station- Dabhra, District Janjgir-Champa (C.G.) for the offence punishable under Section 451, 506, 34 of Indian Penal Code read with Section 4 & 5 of C.G. Tonahi Pratadna Adhiniyam.
2. Case of the prosecution, in brief, is that a report was made by one Itwarin Bai that the applicant along-with other co-accused took her to his house and thereafter stated that she is Tonhi and asked her to cure himself; thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case because some previous dispute was existing. He further submits that the charge sheet has been filed and no further evidence is required, 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 and the documents. Considering the facts and circumstances of the case, nature of offence and degree of allegation and further considering the fact that the charge sheet has been filed and the applicant is in jail since 01.06.2016, 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 surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge