

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4298 of 2016

1. Thanda Ram S/O Subhash Chandra Vishal Aged About 60 Years R/O Village Tiharipali Thana & Tahsil Saraypali, Civil & Revenue District Mahasamund, Chhattisgarh.
2. Devraj S/O Vidhyadhar Barik Aged About 50 Years R/O Village Tiharipali Thana & Tahsil Saraypali, Civil & Revenue District Mahasamund, Chhattisgarh.
3. Bahadur Deep S/O Pavit Ram Aged About 68 Years R/O Village Tiharipali Thana & Tahsil Saraypali, Civil & Revenue District Mahasamund, Chhattisgarh.
4. Aswini Nag S/O Suleman Nag Aged About 42 Years R/O Village Tiharipali Thana & Tahsil Saraypali, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through, Police Thana Saraypali, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Ms. Sharmila Singhai, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 10-06-2016 in connection with Crime No. 457 of 2015, registered at Police Station Saraypali, District Mahasamund (CG) for the offence punishable under Section 436/34 of the IPC.
2. Case of the prosecution, in brief, is that on 8-11-2015 at at 10.00 pm applicants burnt the shop of the complainant Nandlal whereby the goods kept in the shop ie., rice, pulses, basin and other grocery articles along with 50 chickens and five chairs were burnt and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicants have been falsely implicated in the case as it would be evident from photographs filed along with seizure which would show that some ashes and one wooden stick were seized. Since the complainant was in the business of selling the liquor where one of the applicants is also a witness of that Istaghassa, therefore, false allegations have been leveled against the applicants. It is further submitted that the applicants are in jail since 10-6-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, 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, documents and also seizure and the photographs.
6. Taking into consideration the facts and circumstances of the case and further considering the seizure made and without any observation on the merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju