

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6981 of 2016

- Mohammad Shakil Ali S/o Mohammad Shabbir Ali Aged About 30 Years Occupation Driver, R/o Mouharibhata Thana- Mahasamund, Tahsil & District Mahasamund, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Police Station Thana- Mahasamund, District Mahasamund, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Deepak Kumar Jain, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-11-2016

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 on 3-9-2016 in connection with Crime No. 422 of 2016, registered at Police Station Mahasamund, District Mahasamund (CG) for the offence punishable under Section 393 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Jitendra Kumar Sahu that on 2-9-2016 when he was discharging the job of the Conductor, one passenger boarded the bus and offered one hundred rupee note for ticket and when he alighted the bus at Mahasamund he asked for return of the money of the ticket and having asked ticket some altercation took place and at that time present applicant intervened and tried to snatch the amount from the complainant. During the course of scuffle fifty rupee note was torned and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the complainant never wanted to return the money of the ticket to the passenger and therefore the altercation started when applicant intervened and there was no intention to commit the offence. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 3-9-2016 and no further investigation is required, therefore, he 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, perused the case diary and other documents.
6. Perused the statement of the complainant Jitendra Kumar Sahu.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and back ground of this case and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 3-9-2016, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

(Goutam Bhaduri)
Judge

Raju