

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6678 of 2016

1. Samay Lal, S/o. Shri Mohan, aged about 58 years, R/o. Khada Khoh, Police Station Janakpur, Tahsil – Bharatpur, District – Korea (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police of Station - Janakpur, District – Korea (C.G.)

---- Respondent

For Applicant	: Mr. Anil Gulathi, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.99/2016, registered at Police Station – Janakpur, District – Korea (C.G.) for the offence punishable under Section 294, 506, 323, 451, 354, 354-D of Indian Penal Code and Section 4, 5 of Chhattisgarh Tonhi Pratanana Act.
2. Case of the prosecution, in brief, is that a report was made by victim on 14.07.2016 for the incident happened on 11.07.2016 that when the victim went to answer the nature's call, initially applicant pelted stone, thereafter followed her and when she went to her house, the applicant went to the house caught hold of her neck alleging that she is practicing witchcraft, and tried to kill her and when the victim raised the alarm the other person came down and the applicant fled away. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and there has been delay in lodging the FIR and charge-sheet in this case has been filed and the applicant is in jail since 15.07.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 15.07.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge