

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7038 of 2016

1. Ishwar Singh @ Ishu, S/o. Late Shri Surjeet Singh, aged about 28 years, R/o. Madaoda, Bhilai, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : District Magistrate, Durg, District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Arvind Dubey, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/11/2016

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.255/2016, registered at Police Station – Newai, District – Durg (C.G.) for the offence punishable under Section 294, 354, 323, 324 & 354 (अ) of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 10.10.2016, the victim while was opening the lock of the house at that time the applicant came there and objected that why she was opening the lock of the house. The applicant is the brother-in-law of the victim. On such issue, altercation took place and the applicant assaulted the victim by throwing pot on her head and thereafter given a bite to her private part and fled away. Thereby the offence is committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and total false implication has

been attributed and it is completely improbable that manner in which the said offence is alleged to have been committed. It is further submitted that the neighbors have also not directly supported the case of the victim. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 11.10.2016, 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 statement of the victim and the medical report. Taking into the facts and circumstances of the case, the degree of allegation and the fact that charge-sheet in this case has been filed and the applicant is in jail since 11.10.2016, 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