

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7439 of 2016

- Ramcharan Ahirwar S/o Raghuwar Ahirwar, Aged About 26 Years R/o Banhat, Khurai, District Sagar (Madhya Pradesh), Presently R/o House Of Tijan Bai Patle, Bendri Road, Urla, Police Station - Urla, District Raipur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Urla, District Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Manish Thakur, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-11-2016

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 28-4-2015 in connection with Crime No. 100 of 2015, registered at Police Station Urla, Raipur (CG) for the offence punishable under Sections 294, 506-B , 323, 307 of IPC.
2. As per prosecution case, on 27-4-2015 while victim boy Nagesh Chouhan was playing, it was objected by the applicant and he had pushed the victim boy from stairs as a result of which he fell down and sustained injury.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the victim boy Nagesh Chouhan has been examined and he stated in his cross examination that he himself fell down, therefore, the applicant has been falsely implicated and has been wrongly arrested. He would

further submit that the charge-sheet has been filed in this case, he is in jail since 28-4-2015 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, however, he does not dispute the fact that the victim boy has been examined and he has not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the victim boy wherein no positive allegations have been attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the victim boy, without any observation on the merit of the case, I am 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.

Sd-
(Goutam Bhaduri)
Judge

Raju