

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7447 of 2016

Daya Mehar, S/o. Khirsindhu Mehar, (Wrongly mentioned the father name of the applicant as Shirsindhu in the rejection order), Aged About 35 Years, R/o. Village Seenapali, Police Station & Post Office, Seenapali, District Nuapada, Orissa.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Amlipadar, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/11/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.35/2015 registered at Police Station- Amlipadar, District Gariyaband (C.G.) for the offence punishable under Section 398/506(B)/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the complainant Pawan Awasthi on 17.07.2015 lodged a written report against unknown persons that they tried to commit dacoity in the house of the complainant; thereby the offence has been committed.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn on 05.11.2015 with liberty to revive the same after examination of the complainant. He would submit that the

complainant has been examined and he has not named or identified the present applicant except one Bhupendra, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Perusal of the statement of the complainant shows that he has not identified the present applicant. Considering such statement, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge