

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7660 of 2016

1. Bharat Hirwani, S/o. Rahendamal Hirwani, aged about 32 years, R/o. Near Jhulelal Mandir, Chakarbhatha, Police Station – Chakarbhatha, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Chakarbhatha, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Devesh Chandra Verma, Advocate
For Respondent/State	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/12/2016

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.345/2016, registered at Police Station – Chakarbhatha, District – Bilaspur (C.G.) for the offence punishable under Section 332, 353, 323, 506, 294 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Shatruhan Kaushik on 14.10.2016 that he went to make service of summons to the applicant, the summons was taken out and was torn, thereafter, the applicant assaulted the complainant and the shirt was also torn. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the report has been exaggerated and the complainant as alleged is working in the

police, therefore, the false allegation have been levelled. 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 levelled against the applicant and further taking into the fact that the applicant is in jail since 15.10.2016, 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