

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 57 of 2017

Vikas Kesharwani, S/o. Shri Rajkumar Kesharwani, aged about 35 years,
R/o. Ward No.4, Kesharwanipara, Tilda – Nevra, District – Raipur, Civil and
Revenue District – Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : the Police Station – Tilda- Nevra, Raipur
(C.G.)

---- Respondent

For Applicant	:	Mr. Sandeep Shrivastava, Advocate
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

17/01/2017

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 in connection with Crime No.248/2016, registered at Police Station- Tilda -Nevra, District – Raipur (C.G.) for the offence punishable under Section 186 & 353 of the Indian Penal Code.
2. Case of the prosecution in brief is that a report was made by one A.K. Haldhar on 22.02.2016 that being the CMO, when he went to inspect the work, which is done by the brother of the present applicant over a contract which was awarded, at that time, it was noticed that the work was not done properly, as such it was advised to do the work properly. Subsequently, the present applicant came and entered into altercation and resisted the complainant to discharge their job. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that A.K. Haldhar, complainant has been examined on 10.01.2017 and he has not supported the case of the prosecution and he has declared hostile and

no case is made out against the present applicant, therefore, the applicant may be released on bail.

4. On the other hand, learned State counsel opposes the bail application, however, he do not dispute the fact that complainant, A.K. Haldhar has been examined and has not supported the case of the prosecution.
5. I have heard the learned counsel for the parties.
6. Perused the statement of A.K. Haldhar and as appears he turned hostile and has not supported the case of the prosecution. Taking into such fact, without any further observation on merits, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge