

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 470 of 2017

1. Kamalesh @ Bhola Dewangan, S/o. Munna Dewangan, aged about 35 years, R/o. Laxmi Chowk, Chingraipara, Police Station – Sarkanda, Bilaspur, District (Revenue and Civil) Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Sarkanda, District – (Revenue & Civil) Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Anand Kesharwani, Advocate
For Respondent/State	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/02/2017

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.884/2016, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 436 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Bharti Dewangan that on 18.12.2016, the applicant set on fire the hutment shop of the complainant after consuming liquor, which was informed to her by Pramod Saraf. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the shop of the applicant and the complainant are adjacent, therefore, false allegation have been alleged. It is further submitted that charge-sheet in this case

has been filed and no further investigation is required and the applicant is in jail since 20.12.2016, therefore, 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, documents and the statement. It appears that charge-sheet in this case has been filed. It is alleged that the goods worth Rs. 2000 to 3000 were destroyed. Considering the facts and circumstances of the case and further taking into the totality, charge-sheet in this case has been filed and the applicant is in jail since 20.12.2016, 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