

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 739 of 2017

- Deepak Mishra @ Deepu S/o Chandraprakash Mishra, Aged About 35 Years R/o School Para, Baikunthpur, District- Koriya Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Baikunthpur, District- Koriya Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Y.C. Sharma, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-02-2017

1. This is 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 17-01-2017 in connection with Crime No. 324 of 2016, registered at Police Station Baikunthpur, District Koriya (CG) for the offence punishable under Sections 294, 506, 452, 323 of IPC and Section 3 (1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per prosecution case, on 3-12-2016 a report was made by the complainant Dr. Vijay Jangde that on 2-12-2016 the applicant forcefully entered into his house, abused him in the name of his caste and thereafter assaulted him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and inflated statement has been given by the complainant. He would further submit that the injuries sustained by the complainant are simple in nature, charge-sheet

has been filed, the applicant is in jail since 17-1-2017 and no further investigation is necessary, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement and medical report of the complainant.
7. Taking into consideration the facts and circumstances of the case and further considering the statement and medical report of the complainant and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 17-01-2016, this court is 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju