

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1456 of 2017

- Narsingh Sahu S/o Shri Jhaduram Sahu Aged About 46 Years R/o Village Mohatara, Thana Gidhouri (Tundara) Tahsil Kasdol, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Gidhouri (Tundara), Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-03-2017

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 on 6-2-2017 in connection with Crime No. 225 of 2016, registered at Police Station Gidhouri (Tundara), District Balodabajar- Bhatapara (CG) for the offence punishable under Sections 294, 506 of IPC and Section 7 of the Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.
2. As per prosecution case, on 30-10-2016 a report was made by the victim girl that while she was taking water at Boring, present applicant abused her, leveled allegation of Witch-craft and further abused to kill her and threat was also extended to her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case due to some

previous family dispute and no allegation of witch-craft was leveled against the complainant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 6-2-2017 and no further investigation is required, 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 documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 6-2-2017, this court is inclined to release the applicant on bail.
7. 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