

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6583 of 2017

- Ashish Chhaged (Jain) S/o Late Mangilal Jain, Aged About 33 Years R/o Turkaripara P. S. Khairagarh, Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh P. S. Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Anurag Khatri, Advocate
For Respondent/State	:	Shri Avinash Singh, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/12/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.154/2017 registered at Police Station Khairagarh, District Rajnandgaon for the offence punishable under Section 436 of IPC.

3. Case of the prosecution is that the applicant set ablaze the dwelling house of the complainant.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated and he has not committed any such offence. He further submits that prime witnesses including the so-called eye witness of this case have been examined during trial and none of them have supported the case of the prosecution regarding involvement of the applicant. The Court statement of prosecution witness Amjad Khan, Jahim Khan and Habib Khan have been placed on record.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the seriousness of the allegations against the applicant and that some more witnesses are yet to be examined, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that so-called eye witness has been examined and also considering the submission of learned counsel for the applicant that the so-called eye witness has not supported the prosecution case, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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