

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8307 of 2016

- Suresh Nishad S/o Late Rajulal Nishad Aged About 35 Years R/o Rouna, Kumhar Para, Police Station Arjunda, Civil And Revenue District Balod, Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through:- Station House Office, Police Station Arjunda, Civil And Revenue District Balod, Chhattisgarh

---- **Respondent**

For Applicant : Mr. Purnendra Khichariya, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-01-2017

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 on 9-10-2016 in connection with Crime No. 279 of 2016, registered at Police Station Arjunda, District Balod (CG) for the offence punishable under Sections 436 and 201 of the IPC.
2. Case of the prosecution, in brief, is that on 7-10-2016 over a dispute between family members, the applicant set fire to the house of the complainant Durgeshwari which caused loss of Rs.16,300/- 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, there is a dispute between family members and the complainant is sister of the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 9-10-2016 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 other documents.
6. Perused the statement of the complainant.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the back-ground of the case and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 9-10-2016, I am 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju