

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8558 of 2016

- Tikam Sahu S/o Bisru Sahu, Aged About 40 Years R/o Village- Jagmadava, Police Station- Gandai, Tahsil- Chhuikhadan, District- Rajnandgaon Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station Gandai, District- Rajnandgaon Chhattisgarh.

---- **Respondent**

For Applicant : Mr. R.S. Baghel, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-01-2017

1. This is second 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 21-10-2016 in connection with Crime No. 249 of 2016, registered at Police Station Gandai, District Rajnandgaon (CG) for the offence punishable under Sections 294, 506 of IPC and Sections 25 & 27 of the Arms Act. Earlier first bail application was dismissed as withdrawn on 18-11-2016 with liberty to file afresh after charge-sheet is filed.
2. Case of the prosecution, in brief, is that on 21-10-2016 a report was made by the complainant that while he was cutting the crop, at that time the applicant came with sword and abused him stating that he would face dire consequences if he further comes and looking to the attitude of the applicant, the complainant fled away.

3. Learned counsel appearing for the applicant would submit that in fact there was a dispute over ownership and possession of the land, the applicant has been falsely implicated in this case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 21-10-2016 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 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 21-10-2016, 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju