

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3310 of 2017

Manish Singh @ Golu, S/o. Rajbahadur Singh, Aged About 29 Years, R/o. Village Puran, Police Station Mungeli, Present Address- Milan Chowk Kududand, Police Station- Civil Line Bilaspur, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station City Kotwali, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.05.2017

1. This is the 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 in connection with Crime No.398/2016 registered at Police Station- City Kotwali, District Mungeli (C.G.) for the offence punishable under Section 436 read with Section 34 of Indian Penal Code.
2. As per the prosecution case, on 19.08.2016 the applicant along-with one Amit had set on fire the betel shop of Dharmesh Pandey and has caused loss of Rs.20,000 – 30,000/-. Initially suspicion was raised against Pokhraj and after investigation, the applicant was arrested and on his memorandum, one motorcycle was recovered.
3. Learned counsel for the applicant would submit that the earlier bail application was dismissed on the ground that extra judicial confession was made before one Manoj Kashyap and Manoj Kashyap has been examined and he has not supported the case

of the prosecution, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she is not able to dispute the fact that Manoj Kashyap to whom the extra judicial confession was made has been examined and he has not supported the case of the prosecution.
5. Considering the facts and circumstances of the case and further taking into the statement of Manoj Kashyap, which has been filed along-with the bail application, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge