

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 513 of 2018

- Bhupendra Nag S/o Late J.R.Nag, Aged About 24 Years, R/o Tongpal, Dhruvapara, Police Station Tongpal, District Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station Police Station Dornapal, District : Sukuma, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikram Dixit, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 04-09-2017 in connection with Crime No.21/2017 registered at P.S. Dornapal, District Sukma, Chhattisgarh for the offence under Section 427, 430, 445, 467, 468 of the IPC and Section 4 of Lok Sampatti Nuksan Nivaran Adhiniyam.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant on the basis of the material present in the charge sheet filed against him. The only allegation against this applicant is this, that he was seen coming out of the office in which the fire had started, whereas, this applicant is posted as A.G.-III (Clerk) in the same office, hence his presence and making escape from the fire was natural at the time of incident. He is in jail since 04-09-2017. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. As alleged the office of Up-Tahsil Karyalaya Jagarguda within jurisdiction of District Sukma caught fire on the date of incident. The applicant in the capacity of A.G.-III in the same establishment was present on the spot and was seen coming out. Complainant Nayab Tahsildar Devendra Kumar Sirmour has made allegation against this applicant and submitted before police that this applicant has created some false documents and made some false entries in the records of the office, because of which, the applicant himself has set fire to the records in the office.

6. On perusal of the case diary, it is apparent that there is no eye-witness in this respect that the applicant was the person who has set fire to the records in the office, secondly the applicant himself is a public servant posted and working as A.G.-III in the place of incident, thirdly charge sheet has been filed and fourthly the trial against this applicant is likely to take some time before its conclusion, hence for these reasons, I am of this view that this applicant should be released on bail during pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge