

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 197 of 2018

- Ashok Rohidas Son Of Dhansingh Rohidas, Aged About 30 Years R/o Krishna Nagar, Dipka, Police Station Dipka, Tahsil Katghora, District Korba, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Dipka, District Korba, Chhattisgarh, Chhattisgarh

---- Respondent

For the Applicant : Shri F.S. Khare,
Advocate.

For the Respondent/State : Shri Vinod Tekam, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15.02.2018

1. Heard this bail application out of turn because applicant's grandfather has expired on 08.02.2018.
2. 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 in connection with Crime No. 115/2017, registered at Police Station – Dipka, District – Korba, (C.G), for the offences under Section 394 of the Indian Penal Code.

3. Learned counsel for the applicant submits, that the applicant has falsely been implicated in this case and he is in jail since 13.09.2017. The complainant - (Jagdish) has lodged false FIR on the ground of enmity against the present applicant. The applicant is a local resident of District- Korba, and he is ready to abide by all the conditions which may be imposed while granting bail to the applicant, hence, it is prayed that the applicant may be released on bail.
4. Learned counsel for the State opposes the application and submits that there is direct allegation against the present applicant and 16 previous cases are registered against him including the proceedings under the provisions of Code of Criminal Procedure, hence, he is not entitled for grant of bail.
5. Learned counsel for the applicant submits in reply that the applicant has been acquitted in almost all the cases and only one case is pending before the Court in which he is on bail, whereas, the other cases against him are disposed off.
6. Heard counsel for both the parties and perused the case diary.
7. Complainant - (Jagdish) has lodged FIR against the present applicant that on the date of incident the applicant after assaulting him looted from his possession one micro-max mobile phone of value of Rs. 17,00 /-. Hence, this case.
8. Considered. Taking into consideration all the material present in the case diary, and also the fact that previous cases are all disposed off and most of the previous cases had been registered against him were of before 2010, hence, I am of the view that it is a fit case where the applicant is entitled for grant of bail.

9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

10. C.C. Today.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal