

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7630 of 2017**

Tulsi Sarthi, S/o. Shri Sundar, Aged About 30 Years, R/o. Kududand Mata Chaura, P.S. Civil Lines, Bilaspur, District Bilaspur, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. M.K. Sinha, Advocate

For Respondent/State : Mr. Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**12/02/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.309/2017, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 452, 294, 323, 336, 506, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Out of the offences registered against him, only the offence under Section 452 of I.P.C. is

non-bailable, whereas rest of the offences are bailable in nature, applicant is in jail since 13.09.2017, the case is triable by JMFC, applicant is willing to abide by all the conditions imposed for grant of bail. Therefore, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant has previous history of five criminal cases against him in the year 2008, 2010 and 2011 for various offences under the provisions of Indian Penal Code, hence, he is not entitled for grant of bail.
4. In reply, counsel for the applicant submits that the applicant is on bail in the previous cases prosecuted against him.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The prosecution case in brief is that on the date of incident at about 11.45 PM in the night the applicant and one another Bajrang Yadav forced their entry into house of the complainant Prahlad Yadav using abusive words, threatened and then assaulted him causing simple injuries. On FIR lodged by the complainant, case has been registered against this applicant and one another.
7. Considered the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further taking into consideration that the case is triable by Judicial Magistrate First Class, applicant is in jail since 13.09.2017, no purpose would be served, if the, applicant is kept in custody till the conclusion of trial, hence for this reason, this Court is of the opinion that present is a fit

case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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/-
(Rajendra Chandra Singh Samant)
Judge