

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7564 of 2017**

Sameer Sahu, S/o. Firtu Ram Sahu, Aged About 18 Years, R/o. Chandupara, Champa (Bhojpur), District -Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through: The Station House Officer, Adim Jati Kalyan Thana, Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Gaurav Saxena, Advocate

For Respondent/State : Mr. Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**30/01/2018**

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.15/2017, registered at Police Station – Adim Jati Kalyan Thana, Janjgir, District – Janjgir-Champa (C.G.) for the offence punishable under Section 294, 506, 323, 324, 34 of the Indian Penal Code and Section 3 (1-द, ध), 3 (2-5, क) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail

since 13.11.2017, charge-sheet has been filed after completion of investigation. Applicant is local resident of District – Janjgir-Champa and willing to abide by all the conditions as imposed while releasing him on 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 there is sufficient evidence against the applicant for his prosecution and he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Complainant – Mukesh Kumar Koshlay, who is the member of scheduled caste and the applicant and others had some dispute on the day of immersion of Durga idol, because of which, the applicant and others abused the complainant by his caste and also assaulted him causing injuries. After lodging of FIR, case has been registered against this applicant and other co-accused persons.
6. Considered the submission made and the contents of the case diary. Taking into consideration the facts and circumstances of the case and further taking into consideration the fact that charge-sheet in this case has been filed and the applicant is in jail since 13.11.2017 and he is a local resident of District – Janjgir-Champa, his appearance before the Court shall not be compromised, if he is released on bail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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

Balram