

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1429 of 2018**

Jaiki @ Jaikishan Singh Bhatti S/o Shri Raju Singh Bhatti Aged About 22 Years R/o- Ram Mandir, Near Rai Kirana Store, Oddiya Basti, Bhilai-3, Civil And Revenue District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station Saraswati Nagar, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri S.K. Agrawal, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.04.2018**

Heard.

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.166 of 2017, registered at Police Station – Saraswati Nagar, District – Raipur, Chhattisgarh for the offence punishable under Section 392 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.12.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. According to the prosecution case, on the date of incident complainant – Heeralal Sharma hired the auto-rickshaw driven by this applicant in which co-accused – Shakti Tehre was already sitting as a passenger. On the way, co-accused – Shakti Tehre tried to pull out the purse of the complainant. When the complainant objected, he put his hand on his mouth to suppress his cries and also threatened to kill him. On the alarm raised by the complainant, the other persons present on the way stopped the auto-rickshaw caught hold of the applicant and the co-accused. Hence, this case.

6. After due consideration, I am of the opinion that the case is triable by the Judicial Magistrate First Class, the applicant has no criminal antecedents and the trial of the case is likely to take some time for its final disposal. On the basis of these reasons, the application is allowed.

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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi