

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1216 of 2018

- Rakesh Dewangan S/o Late Bhagela Dewangan, Aged About 27 Years, R/o.- Near Gandhi Chowk, Village - Surdung, P.S.- Jamul, Tahsil-Damdha, District- Durg (C.G.), District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh District Magistrate Durg, Through - Officer Incharge, Jamul, District- Durg (C.G.), District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Anand Shukla, Advocate.

For Non-applicant/State – Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application filed before this Court was dismissed as withdrawn with liberty to revive the same after some time. The applicant has been arrested on 04-06-2017 in connection with Crime No.298/2017 registered at P.S. - Jamul, District - Durg, Chhattisgarh for the offence under Section 436/34 of the IPC and Section 3, 6 of Prevention of Damage to Public Property Act, 1984.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 04-06-2017. Although the charge sheet has been filed under Section 436/34 of the IPC along with other penal provisions, but the offence under Section 436 of the IPC is not made out in this case. The applicant is local resident of District Durg and he is ready to abide by all the conditions to be imposed on grant of bail. The trial is pending before the concerned Court. 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 three eye witnesses have witnessed the incident in which the applicant was active in setting fire to the city bus and causing damage to public property. Hence, no case is made out for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident the applicant along with other co-accused persons set fire to a city bus bearing registration No. CG 07 E 1447, kept inside the boundary wall of the community center and thus caused damage to public property.
6. On perusal of the case diary, it appears that this applicant has one criminal antecedent of some petty dispute, apart from that, there no criminal history of this applicant and further, the trial Court shall be required to examine whether any household, human dwelling etc. was set to fire by this applicant or not, as it is an ingredient of offence under Section 436 of the IPC. Hence, under these circumstances, 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