

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1449 of 2018

- Shiva @ Shivnandan Sahu S/o Firtu Ram Sahu, Aged About 28 Years, R/o- Chandupara, Champa (Bhojpur), District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Chandradeep Prasad, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 13-11-2017 in connection with Crime No.15/2017 registered at P.S. - Adim Jati Kalyan Thana, Janjgir, District - Janjgir-Champa, Chhattisgarh for the offence under Section 294, 506, 323, 324, 34 of the IPC and Section 3(1 - द, घ), 3(2-5, क) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 13-11-2017. Trial is pending before the Special Court, which is likely to take some time before its conclusion. Co-accused Sameer Sahu has been granted bail by this Court and this applicant is also similarly placed, hence, it is prayed that this applicant may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, on the date of incident because of some dispute between the applicant and others with complainant Mukesh Kumar Koshlay, the applicant and co-accused abused the complainant by his caste and also assaulted him causing injuries. Thereafter, the FIR has been lodged.

6. After considering the material present in the charge sheet and considering this fact that the co-accused has been granted bail, I am of this view that this applicant also deserves to be granted bail.

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