AFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3916 of 2018

- Tarachand @ Star Late Mohan Lal, Aged About 23 Years Resident Of Indira Nagar Baghera, Ward No. 56, P. S. Pulgaon, Tehsil And District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg, Tehshil And District Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri V.K. Sahu, Advocate

For Respondent : Shri Dheeraj Wankhede, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

09.07.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.

2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 149/2018 registered at Police Station – Durg Citi Kotwali, District – Durg (C.G.) for the offence punishable under Section 394/34 of the Indian Penal Code.

3. Case of the prosecution, in brief is that on 21.02.2018 near about 2:30 pm the applicant Tarachand, co-accused Nitendra, Pintu and Sunny Gedam reached to the shop of the complainant-Shubham Agrawal at near to Sukun Bar, Durg and beaten him by hand, fist and clubs. Co-accused Pintu snatched one mobile handset from the pocket of the complainant – Shubham Agrawal.

4. The case is triable before the Judicial Magistrate First Class, Durg.

5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.

7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, he is in custody since 22.02.2018, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

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

9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

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