

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6053 of 2018**

- Bhupendra Kumar @ Rahul @ Ghisal S/o Ahsaram Gond Aged About 24 Years R/o Village Amora Navapara, Police Station Mulmula, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mulmula, District Janjgir Champa Chhattisgarh.

---- Non-applicant

For Applicant : Shri Anish Tiwari and Shri Atul Kesharwani,
Advocates

For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26.09.2018**

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. 94/2018 registered at Police Station – Mulmula, District – Janjgir-Champa (C.G.) for the offence punishable under Section 294, 506(B), 323 of the Indian Penal Code.
3. Case of the prosecution, in brief is that applicant is the husband of the complainant Laxmin Bai. On 17.7.2018 at about 10 am in village Nawapara applicant had beaten the complainant with stick on account of

not giving motorcycle as dowry, two teeth of the complainant has been broken.

4. The offence is triable by Judicial Magistrate First Class.
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, he submits that there is no antecedent against the applicant.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, 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 present bail application 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