

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7709 of 2017**

Jhaman Yadav @ Bablu, S/o. Shri Biran Yadav, Aged About 34 Years, R/o. Village Chamanpur Police Station -Chalgali District -Balrampur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through Police Station Chalgali District -Balrampur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharendra Pandey, Advocate

For Respondent/State : Mr. Ashok Kumar Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/02/2018**

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.53/2017, registered at Police Station – Chalgali, District – Balrampur (C.G.) for the offence punishable under Section 294, 323, 506, 353, 384, 386, 325, 332, 341, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in custody since 01.09.2017, no offence is made out on the basis of the material in the charge-sheet filed before the Court. Applicant is

Upsarpanch of Gram Panchayat Chamanpur and because of political rivalry, false FIR has been lodged against him naming various allegations, applicant is ready to abide by all the conditions imposed while releasing him on bail. Therefore, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant has two previous cases registered against him under various provisions of Indian Penal code, hence, this shows that applicant is habitual offender and is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The prosecution case in brief is that on 15.08.2017, when complainant Krishna Singh was on his way to village Chamanpur then he was stopped by the applicant who used abusive words for him and started assaulting with hands, fists and kicks. The applicant and another demanded Rs.10,000/- from the complainant, who refused to such demand because of which, he was threatened. After lodging of FIR, charge-sheet has been filed after completion of investigation.
6. Considered the submissions made and the contents of the case diary. As all the offences registered against this applicant are triable by Judicial Magistrate First Class, the applicant is elected representative of the people and there is no likelihood of his absconding and he is local resident of District – Balrampur, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram