

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7628 of 2017**

Raju Gupta, S/o. Jagarnath Gupta, aged about 29 years, R/o. Bazarpara, Domanhil, Police Station – Chirmiri, Tahsil – Khadganwa, District – Korea (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Out Post – Korea, Police Station - Chirmiri, District- Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**12/02/2018**

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.418/2017, registered at Police Station – Chirmiri, Out Post – Korea, District – Korea (C.G.) for the offence punishable under Section 186, 353, 332, 294, 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 21.10.2017, no offence is made out on the basis of the

material in the charge-sheet filed before the Court. 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 previous history of two criminal cases against him under the provisions of Indian Penal Code, hence, he is not entitled for grant of bail.
4. In reply, counsel for the applicant submits that the applicant is on bail in the previous cases prosecuted against him.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The prosecution case in brief is that complainant Anjali Prasad, Staff Nurse, PHC, Domanhil has lodged FIR against the applicant that on the date of incident, the applicant and one another entered into the staff room and after pulling the complainant by her hand used abusive words for her, deterred her in performing the duties. After lodging of FIR, investigation has been completed and charge-sheet has been filed.
7. Considered the submission made and the contents of the case diary. Looking to the nature of allegation against this applicant and further taking into consideration that he is in jail since 21.10.2017, no purpose would be served, if the, applicant is kept in custody till the conclusion of trial, 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.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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