

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7866 of 2017

- Khemraj S/o Madhoram, Aged About 19 Years Caste Kurmi, R/o Malda, Police Station Hassaud, District Janjgir-Champa, Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For the Applicant : Mr, Vimal Tondey, Advocate.

For the Respondent/State : Ms. Smita Ghai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26.02.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 148/2017, registered at Police Station –Hassaud, District – Janjgir – Champa,, (C.G), for the offences under Section 456, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He is in jail since 13.11.2017. The trial of the case is likely to take some time for its conclusion, the applicant is local resident of District – Janjgir – Champa, and ready to abide by all the conditions which may be imposed while granting bail to the applicant, therefore, It is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that earlier when the applicant is Juvenile, he was prosecuted for offence under Section 302 of the Indian Penal Code, in which he was convicted and was released on probation, for the period of three years, this applicant turning into hardened criminal, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. On the date of incident at about 03 A:M in the morning hours, the applicant and two others entered in the house of the complainant. The wife of complainant - (Shashi) was awake. The applicants have tried to press the mouth of Shashi. On raising alarm by the complainant's wife, the applicants ran away from the spot. Hence, this case.
6. Considered the submission made and contents of the case diary. the applicant is in jail since 13.11.2017, and the trial of the case is likely to take some time for its conclusion, this Court is of the opinion that this is a fit case, where the applicant should be released on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge