

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7971 of 2018

- Raja Temmunekar S/o Dhamendra Temmunekar Aged About 19 Years R/o Panchsheel Colony, Yadunandan Nagar, Tifra, Police Station Sirgitti, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Uttam Pandey, Advocate.

For Non-applicant : Shri Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board02.11.2018

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.276/2018 registered at Police Station – Sirgitti, District - Bilaspur (C.G.) for the offence punishable under Sections 341, 327, 294, 506, 323, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 19-7-2018 at about 10.30 PM complainant Aquib Javed was going to his house at Yadunandan Nagar by his own car. On the way, the applicant and his companions stopped the car of the complainant. Coaccused Ajay Ghritlahre demanded money from the complainant to consume liquor. When the complainant did not give them

money, the applicant and his companions abused the complainant, also threatened to kill him and beat him by hands, fists and belts.

4. 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.

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

6. Coaccused Ritesh Sahare and Ajay Ghritlahre have already been enlarged on bail on 27.09.2018 in MCRC No. 6103 of 2018.

7. The case of the applicant is not more severe than those coaccused who have been enlarged on bail.

8. 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.

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

10. 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.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE