

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8358 of 2018**

1. Ubaran Chaturvedi S/o Shri Pandey Chaturvedi Aged About 40 Years
R/o Devgaon, Baloda Bazar, District Baloda Bazar-Bhatapara
Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
2. Sameer Gayakwad S/o Late Ashok Gayakwad Aged About 26 Years
Through The Station House Officer, Police Station Arang, Civil And
Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Arang, Civil And Revenue District Raipur Chhattisgarh,
District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri L.K. Mishra, Advocate appears on behalf of Shri Pushpendra Patel, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15/11/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.296/2018 registered at Police Station Arang, District Raipur (C.G.) for the offence punishable under Sections 436, 34 of IPC.
3. Case of the prosecution, in brief is that on 04/07/2017 at Dhourabhatha applicants poured the petrol on the hut of the complainant Govind Tandan where he was running a hotel, thereafter they set afire the hut and caused damage of Rs.15,000/- to the complainant.
4. Learned counsel for the applicants submits that they have innocent and falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that six cases have already been registered against the applicant No.1 Ubaran Chaturvedi, out of which 2 under IPC and 4 under CrPC, 1 another criminal case has been registered against the applicant No.2 Sameer Gayakwad under the Excise Act.
6. Counsel for the applicants further submitted that applicants have been already acquitted from the aforesaid cases by the trial Court, the matter has been compromised between the applicants and complainant.
7. Looking to the facts and circumstances of the case, it is ordered that if the applicant No.2 **Sameer Gayakwad** furnishes two solvent sureties for a sum

of Rs. 25,000/- each along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with a condition that he will not commit any offence in future, he be released on bail.

8. Looking to the facts and circumstances of the case, looking to this fact that six other criminal cases had been registered against the applicant No.1, the bail application of applicant No. 1 Ubaran Chaturvedi is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde