

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9491 of 2018

- Amrit Bharadwaj S/o Devcharan, Aged About 25 Years, R/o Village-Sarastal, Thana- Chhaal, Tahsil- Dharamjaygarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Chhaal, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Nilkanth Malaviya, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-12-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 23-10-2018 in connection with Crime No.168/2018 registered at P.S. - Chhaal, District- Raigarh, Chhattisgarh for the offence under Section 294, 506, 323, 327, 384 r.w. 34 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 23-10-2018. No case is made out against this applicant regarding commission of offence under Section 327, 384 of the IPC. Although there is statement of the complainant that the applicant demanded money, but there is no passing of any money, therefore, there may be offence under Section 385 of the IPC which is bailable. Similarly, rest of the offences are bailable in nature. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged, this applicant along with co-accused

persons threatened complainant Suresh Kumar Sahu and pressurized him to make collection of Rs.1500/- from each of the bullock owners for him, when the complainant refused to do so he was abused, threatened and then assaulted and beaten by this applicant and co-accused persons.

6. The offence under Section 294, 323 and 506 of the IPC are bailable in nature, hence, after overall consideration on the evidence present in the record, I feel inclined to allow the application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge