

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1720 of 2019**

- Ubaran Chaturvedi S/o Pandey Chaturvedi Aged About 40 Years R/o Village Devgaon, Balodabazar, District Baloda Bazar-Bhatapara CG
---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Arang, District Raipur Chhattisgarh
---- Respondent

For applicant Ms. Hameeda Siddiqui with Mr. Sumit Rathore, Adv.

For non-applicant Mr. Ishant Verma, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****13-3-2019**

1. Heard. Admit. Case diary is available.
2. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His first bail application being MCRC No. 8358/2018 was dismissed by this Court vide order dated 15-11-2018 as six other criminal cases have been registered against him. His second bail application being MCRC no. 240/2019 was rejected by this Court vide order dated 31-1-2019 considering prima face case and other facts.
3. Applicant has been arrested in connection with Crime No. 296/2018, registered in PS Arang, Distt. Raipur for offence u/S. 436/34, IPC
4. Case of the prosecution in brief is that on 4-7-2017 at Dhourabhatha, the applicant and co-accused Sameer Gaikwad poured petrol on the hut of the complainant Govind Tandon where he was running a hotel, thereafter he set the hut on fire and damaged the articles of Rs. 15,000/- of the complainant.
5. Counsel for the applicant submitted that complainant Govind Tandon has been examined in trial Court and he has turned hostile. Thus this circumstance is sufficient to enlarge the applicant on bail.
6. On the other hand, the State Counsel opposed the bail application.
7. As per true copy of the statement of the complainant Govind Tandon dated 12-2-2019 recorded by the trial Court which is part of the bail application, he has turned hostile and stated that he does not know who burnt his hut.

8. Turning hostile of complainant Govind Tandon itself is a sufficient ground to enlarge the applicant on bail in 3rd round of litigation, though other six criminal cases have been registered against him. Looking to the fact and circumstances of the case, this Court is inclined to grant bail to the applicant.
9. Consequently, application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
10. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge