

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2059 of 2019

- Nirmal @ Sonu Banjare S/o Ramchand Banjare, Aged About 23 Years R/o B.S.U.P. Colony, Saddu, Vidhan Sabha, Raipur, Tahsil and District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Vidhan Sabha, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri L.C. Das, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

01/05/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 437/2018, registered at Police Station Vidhan Sabha, District – Raipur, Chhattisgarh, for the offence punishable under Sections 294, 323, 506, 452, 147, 148, 427/34 of IPC.
2. In this case, there are total four accused persons. As per prosecution story, on 10.12.2018, Complainant Ratnesh Kumar lodged a report wherein it was stated that at about 8:00 pm, present Applicant alongwith other co-accused persons namely Afsar Ali, Tarun Jagat, Avinash Todekar entered in the house of the Complainant and abused him in filthy language. They also thrown out the household articles, damaged his motorcycle, threatened and assaulted him with knife. On the basis of said report, offence has been registered. Applicant has

been taken into custody on 18.02.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute. He further submits that co-accused persons namely Afsar Ali, Tarun Jagat & Avinash Todekar have already been granted bail by this Court vide order dated 27.03.2019 passed in MCRC No. 1653 of 2019. Applicant is in custody since 18.02.2019 and trial is likely to take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 18.02.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge