

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2573 of 2019**

Sushil Kumar @ Bunti S/o Late Shri Hetram, aged about 56 years, Caste Agrawal, R/o Baradwar, Police Station Baradwar, District Janjgir-Champa (C.G.)

**--- Applicant****Versus**

State of Chhattisgarh, SHO, Police Station Baradwar, District Janjgir-Champa (C.G.).

**---- Respondent**


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|----------------|---|---------------------------------------|
| For Applicant  | : | Mr. Sunil Otvani, Advocate            |
| For Respondent | : | Mr. K.K. Dewangan, Dy. Govt. Advocate |
| For Objector   | : | Ms. Shivali Dubey, Advocate           |

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Hon'ble Shri Justice Arvind Singh Chandel

**Order on Board****10/05/2019**

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 41/2019 registered at Police Station Baradwar, Distt. Janjgir-Champa (C.G.) for the offence punishable under Sections 115 read with 34 of the IPC.
2. As per prosecution story, Complainant Shailesh Kumar Rai @ Mintu Rai made a written complaint in the police station alleging therein that the Applicant along with co-accused namely Natwar Lal Agrawal is pressuring him to eliminate Dhruv Kumar Agrawal. On the basis of the said complaint, offence has been registered and the Applicant has been arrested on 17/03/2019.

3. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated. He further submits that there is no material collected by the prosecution which indicates that the Applicant has abated the Complainant to commit any offence. On the contrary, it is the Complainant who has been threatening the Applicant for the last many years for which a complaint was made to the police station by the Applicant. He further submits that prima-facie no offence under Section 115 read with 34 of the IPC is made out against the Applicant. The Applicant is in custody since 17/03/2019 and trial will take time, therefore, the Applicant may be released on bail.
4. Counsel appearing on behalf of the State and Objector oppose the bail application.
5. I have heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, particularly, the evidence collected by the prosecution and that the Applicant is in custody since 17/03/2019 and trial will likely to take time, I am inclined to release the Applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**