

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4310 of 2019

- Dinesh Rajwade S/o Shri Chain Sai, Aged About 20 Years, R/o Village Chilbil (Rajwarpara), Police Station - Lakhanpur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gandhinagar, Ambikapur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Devershi Thkaur, Advocate.

For Non-applicant/State – Shri Chandrabhushan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2019

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 24-05-2019 in connection with Crime No.127/2019 registered at P.S. - Gandhinagar, District Sarguja, Chhattisgarh for the offence under Section 147, 148, 149, 294, 506, 323, 458, 435 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 24-05-2019. No case is made out against this applicant. Charge sheet has been filed after completion of the investigation. One co-accused Bihari Kewat has been granted bail by the Sessions Court itself after filing of charge sheet. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the offence alleged to have been committed by this applicant is serious in nature. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on the date of incident on account of some previous dispute this applicant after making preparation for causing hurt etc. committed house trespass in the house of complainant Sonu Rajwade. Thereafter, this applicant and others abused, threatened, assaulted the victims and then also set fire to the motorcycle of the complainant causing damage to the property.

6. Considering that the case is now pending for trial and one similarly placed co-accused has been enlarged on bail by the Sessions Court itself, therefore, I feel inclined to allow this 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