

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5113 of 2019

- Indra Banjare S/o Shri Ramdas Banjare, Aged About 25 Years, R/o Village Sirsa, Police Station Berala, Civil and Revenue District Bemetara, Chhattisgarh, At Present R/o In Front of Electricity Office, Bendri Road, Urala, Raipur, Civil & Revenue District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station Urala, Civil and Revenue District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Paras Mani Shriwas, Advocate.

For Non-applicant/State – Shri Kapil Maini, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-09-2019

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 11-06-2019 in connection with Crime No.285/2019 registered at P.S. - Urala, District Raipur, Chhattisgarh for the offence under Section 326-A, 34 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant has not committed any offence. He is in jail since 11-06-2019. He was not the person who threw acid on the victim of this case. Therefore, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is charge of heinous offence against the applicant, therefore, the applicant should not be granted bail.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on the date of incident three persons came on a motorcycle and then one of them took out a bottle, the contents of the bottle were thrown over complainant Sunil Kumar Sahu, because of which he got injured on his face and hand due to this acid attack. After lodging of the FIR this applicant has been arrested on the basis of the memorandum statement given by the main accused person.

6. On the basis of the evidence present in the case diary, it appears that this applicant is not the main accused and the case is now pending for trial, 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