

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 5219 of 2019**

- Gopi Kumar Vishwakarma S/o Late Gangaram Vishwakarma Aged About 26 Years R/o Haldi Badi Railway Station Ward No. 20 Police Station Chirmiri, District Koriya Chhattisgarh

**---- Applicant**

***Versus***

- State Of Chhattisgarh Through Station House Officer, Police Station Chirmiri District Koriya Chhattisgarh

**---- Non-applicant**

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For Applicant : Mr. Anil Gulati, Advocate.

For Non-applicant/State : Mr. Roshan Dubey, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**24-09-2019**

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 25.04.2019 in connection with Crime No.266/2017, registered at Police Station– Chirmiri, District- Koriya, Chhattisgarh for offence punishable under Sections 452, 294, 506, 323 r/w 34 of I.P.C. and Section 3(1-10) of SC & ST (Prevention of Atrocities) Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 25.04.2019. The applicant has not committed any offence. Charge-sheet has been filed and the case is being tried by Judicial Magistrate First Class. Therefore, prayed that application be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submits that this applicant has a criminal history of being prosecuted in eight cases, therefore, he is not entitled for grant of bail.
4. In reply, it is submitted that in two cases, the applicant has been

acquitted from offence under Sections 457 and 380 of I.P.C. from the Appellate Court. The other three cases against this applicant have also been disposed off. There are other three cases pending in which this applicant is on bail. Therefore, prayed that applicant be granted bail.

5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, on the date of incident, this applicant committed house trespass in the house of the complainant, who is a member of the Scheduled Tribe, thereafter, by abusing and threatening her, has assaulted and caused simple injuries to her. Hence, this case.
7. Considering that the case is now pending for trial and there is all likelihood of delay in the same, therefore, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Monika

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge