

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5533 of 2019**

- Shivgir Gosawami S/o Shri Bhagwat Giri Goswami Aged About 22 Years Caste - Goswami, R/o Budena, Police Station Navagarh, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Navagarh, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Virendra Verma Advocate.
For Respondent	:	Mr. Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18/11/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 65/2019 registered at Police Station - Navagarh District Janjgir-Champa (C.G.) for the offence punishable under Sections 186, 332 & 353 of IPC.
- The prosecution story in brief is that, on 27.03.2019, at Government Higher Secondary School, Budena, during examination, the present applicant with a student namely Manish Kumar, in the state of intoxication, committed *marpeet* with principal/complainant namely Lakeshwar Prasad Manharan. Thereafter, offence has been registered against the applicant and he was arrested on 19.07.2019.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that prosecution has failed to prove the motive of the *marpeet* for which the applicant is said to

commit the offence. Applicant is jail since 19.07.2019, there is no previous antecedent against him, therefore, the present applicant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the fact that the offence is triable by Magistrate First Class and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge