

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6603 of 2019

1. Dharamdev @ Thuruk Nai S/o Late Kapil Nai Aged About 18 Years
R/o. Fatehpur, Police Station - Gandhi Nagar, Ambikapur
Chhattisgarh. At Present R/o. Village- Bhadwahi, Police Station -
Udaypur, District - Surguja Chhattisgarh, District : Surguja
(Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station - Udaypur, District -
Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

----- Respondent

For Applicant : Shri P.K. Patel, Advocate
For Respondent/State : Shri Anurag Verma, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

03.12.2019

2. Heard.
3. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.35/2017, registered at Police Station Udaypur, District Surguja(CG) for the offence punishable under Sections 294, 506B, 323 of the IPC and Section 3 (1) (R) (D), 3(2), 5(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.
4. As per the case of prosecution, the present applicant assaulted the complainant by the wooden stick.
5. Learned counsel for the applicant submits that the applicant has not committed any offence and the report has been lodged on account of previous enmity. He further submits that earlier the applicant was released on bail by the trial Court, but due to

his non-appearance, a warrant of arrest was issued he has been taken into custody. He submits that the applicant is in jail since 06.9.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the applicant is in jail since 06.9.2019, I am of the opinion that present is a fit case to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
11. The trial Court is free to forfeit the previous personal bonds of the applicant as per its discretion.
12. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE