

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3919 of 2020**

- Lokeshwar @ Lokesh Dhruw S/o Narayan Dhruw Aged About 25 Years R/o Village Pendra Chhidaula, P.S. and District Gariyaband, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gariyaband, District Gariyaband, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.D.Kuldeep, Advocate
For State	:	Shri Fouzia Mirza, Addl. Adv. General

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/08/2020**

1. The applicant has been arrested in connection with Crime No.57/2020 registered at Police Station – Gariyaband, District – Gariyaband (C.G.) for alleged commission of offences under Section 436 of IPC.
2. Prosecution case is that the applicant entered the house where he lives jointly along with his brother and family and set on fire various articles kept in the house. It is also alleged that the applicant came to his house in an intoxicated condition.
3. Learned counsel for the applicant submits that the allegations against the applicant is false and fabricated because the incident is said to be of 13/03/2020 but FIR was lodged after delay of three days. This itself shows that because of enmity within the house, the brothers are falsely implicating him. It is next submitted that in the alleged incident, nobody has been injured nor permanent construction of the building was damaged but the allegation of burning of some of the households has been only stated. Therefore, at this stage, when investigation is complete, charge sheet has been filed and there is no likelihood of early conclusion of trial, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that FIR informant, the applicant's own brother had lodged report that the applicant came inside the house in intoxicated condition, started quarreling and then kept on fire many household articles like sewing machine, cot etc. It is further argued that as offence under Section 436 IPC may invoke even life imprisonment, it is a grave offence. It is also argued that not only FIR informant but other members of the family have also stated the same.

5. Taking into consideration the submission of learned counsel for the parties, particularly, taking into consideration that there is delay of three days in lodging FIR, no permanent construction is alleged to have been damaged nor any injury to any body and further that the applicant was stated to be in intoxicated condition, investigation is complete, charge sheet has been filed and there is nothing to show that the applicant is likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

6. Accordingly, the bail application is 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/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge