

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4405 of 2020

- Prakash Ratre, S/o. Kali Ram Ratre, Aged about 23 years, R/o. Village Bhojpur, Bainin Bandhan, Champa, PS Champa, District Janjgir-Champa CG

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Champa, district Janjgir-Champa CG

---- Respondent

For Applicant : Shri Ravindra Sharma, Advocate
For Respondent /State : Shri H.S.Ahluwalia, Dy. AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board

18/08/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 164/2020 registered at police station Champa, District Janjgir-Champa (CG) for the offence punishable under Sections 147,294,323,427,458 and 506 IPC.

As per prosecution case, report was lodged by the complainant alleging that on the date of incident, in the mid night i.e. at about 1.30 am. the applicant and co-accused came to his house and damaged his scooty and Scorpio Car. It is alleged that when he tried to intervene, they assaulted him and caused injury.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case. He further submits that the injuries were simple in nature. He submits that similarly placed co-accused persons have been granted anticipatory bail by this Court in M.Cr.C. No. 968/2020 vide order dated 13.08.2020 and therefore, the applicant may also be granted the benefit. Lastly, he submits that the applicant is in jail since 15.06.2020; offence is triable by the Magistrate and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that similarly placed co-accused persons have been granted bail, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge