

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1518 of 2021

Tirithram, S/o Manaram, Aged About 34 Years, R/o Village- Gayadarha,
Police Station- Kosir, Tahsil- Sarangarh, District- Raigarh (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through its Police Station- Kosir, District-
Raigarh (C.G.)

--- Respondent

For Applicant : Mr. Sabyasachi Bhaduri, Advocate.

For State/ Respondent : Mr. Lalit Jangde, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

17/05/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 16.11.2020 in connection with Crime No. 117/2020, registered at Police Station- Kosir, District- Raigarh (C.G.) for the offence punishable under Section 341, 294, 506, 323, 326 read with Section 34 of I.P.C.
2. Case of the prosecution in brief is that the complainant/victim- Jagbandhu Sonwani has lodged FIR against the applicant contending that when he reached in the house of accused, then the present applicant along with other member attacked upon the victim with club and iron rod. The applicant has also lodged FIR against the complainant/victim- Jagbandhu Sonwani alleging

that he has entered into his house and committed offence of outraging modesty of her wife because of quarrel between the applicant and the victim.

3. Victim- Jagbandhu Sonwani has filed objection for grant of bail contending that the applicant along with Secretary of the village Panchayat has prepared forged muster role during period from 24.04.2020 to 30.04.2020 under the National Rural Employment Guarantee Scheme. The victim/ objector has submitted complaint before District Panchayat, Raigarh. District Panchayat, Raigarh has suspended the Secretary, which has annoyed him and thus, he has committed the offence.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. The victim himself entered into house of the applicant at about 7 O'clock at evening and committed offence of outraging of modesty of applicant's wife. For that, FIR has already been registered on 17.07.2020 itself. Hence, it is prayed that this applicant may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear allegation against this applicant regarding commission of offence. Hence, the application for grant of bail may be rejected.
6. Heard learned counsel for both the parties and perused the case diary.
7. Perusal of the case diary would reveal that there was dispute

between the applicant and the complainant. Wife of the applicant has also filed complaint under Section 354, 506 & 323 of I.P.C. against complainant- Jagbandhu Sonwani on 17.07.2020.

8. Considering the facts and circumstances of the case, nature of injuries sustained by the victim and the fact that the applicant is in jail since 16.11.2020, charge-sheet has already been filed on 17.01.2021, there is no likelihood of the applicant tampering with evidence or absconding and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- for the like amount to the satisfaction of the concerned trial court. He shall appear before the trial court on each and every date given by the said trial court, till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Narendra Kumar Vyas)
Vacation Judge