

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5984 of 2021**

- Rajuram Mandavi S/o Kishun Mandavi Aged About 30 Years Police Station Gandai, Caste Gond, R/o Village Doujri, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gandai, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	:	Shri Abhishek Sharma, Advocate
For State	:	Shri Ravish Verma, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/09/2021**

Heard.

This is repeat application. Earlier application was rejected by this Court on merits.

1. The applicant has been arrested in connection with Crime No.129/2020 registered at Police Station – Gandai, District – Rajnandgaon (C.G.) for alleged commission of offences under Section 436 of IPC.

2. Prosecution case in brief is that the applicant set on fire his own house after his wife and children left the house after dispute and it was a dwelling house occupied by the applicant and his father both.

3. Learned counsel for the applicant would argue that the repeat application has been filed by the applicant because the main witness of the prosecution who are alleged to have seen the incident, have now been examined and they have not supported the case of the prosecution. Kishun Mandavi (PW1) has stated in the Court that the house caught fire because of *gorsi* (fire pot) and other so called witness has

stated that he has not seen the incident.

4. On the other hand, learned State counsel opposes prayer and submits that the applicant is being tried for serious offence which is punishable upto imprisonment for life and there are many other witnesses yet to be examined.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that now eye witness and father of the applicant both have not supported the prosecution case and submission of learned counsel for the applicant that incident was a result of an accident and not because of any criminal overt act on the part of the applicant, I am inclined to grant bail to the applicant.

6. Accordingly, the 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