

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8109 of 2021

1. Ghanshyam Sahu S/o Hiralal Sahu Aged About 31 Years R/o House No. 663, Ward No. 10, Shantinagar, Gali No. 1, Thana O.P. Chikhli, Tahsil And District Rajnandgaon Chhattisgarh.
2. Ishwar Sinha S/o Shayamcharan Sinha Aged About 31 Years R/o Ward No. 25, Hamalpara, Thana Kotwali, Tahsil And District Rajnandgaon Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through District Magistrate District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants

Mr. Parag Kotecha, Advocate

For Respondent /State

Mr. Gagan Tiwari, Dy. Govt. Adv.

Order on BoardByHon'ble Shri Justice Goutam Bhaduri29/10/2021

1. Heard.
2. The applicants have preferred this bail application under Section 439 of the Cr.P.C. for grant of bail as they have been arrested in connection with Crime No.117/2021, registered at Police Station Devri, District Balod (CG), for the offence under Section 436/34 of the Indian Penal Code.
3. As per the prosecution case Shivdayal Sahu lodged a report on 2-9-2021 alleging that his son-in-law namely; Ghanshyam Sahu

(applicant No.1 herein) along with his friend namely; Ishwar Sinha (applicant No.2 herein) set fire to the Tea stall of the complainant. Subsequently, the applicants apprehended on the basis of CCTV footage.

4. Learned counsel for the applicants would submit that the identification in the CCTV footage has wrongly been made. In fact, the applicants have not committed any offence. The complainant is the father-in-law of the applicant No.1 and on account of family dispute the false allegations have been attributed. Thus, the applicants may be released on bail.
5. Learned counsel for the State, *per contra*, would oppose the bail application and read out the statement of the complainant.
6. Considering the entire facts situation of the case; particularly considering the nature of allegations and also considering the degree of damage done; as also for the fact that the applicants are in jail since 13-9-2021 and the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicants on regular bail.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Gowri