

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8217 of 2021

Premlal Singh S/o Hiralal Sing, Aged About 40 Years, Caste Gond, R/o Aamadamak, P.S. Kelhari, District Koriya, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Station In Charge Kelhari, District Koriya Chhattisgarh.

--- Respondent

For Applicant	: Mr. Anuroop Panda, Advocate.
For State	: Ms. Smriti Shrivastava, PL.
For Complainant	: Mr. Shikhar Shukla, Advocate on behalf of Mr. Aniket Verma, Advocate.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

08/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.34/2021, registered at Police Station - Kelhari, District -Koriya, (C.G.), for commission of offence punishable under Section 294, 506, 323 & 436 of IPC.
2. Case of prosecution is that on 03.05.2021 complainant was sleeping in her house alongwith her children. At about 10:00 PM, applicant (husband of complainant) came to house, stated complainant that how she is sleeping when he is wandering. He asked her to accompany him for wandering to which she refused, upon which, he started abusing and beating her. He put the house on fire by Lantern. In the said incident, somehow complainant and her children came out from house but food articles, clothes and entire house got burnt in fire. Incident was reported to concerned Police Station, based upon which, aforementioned crime is registered against applicant and he was arrested.
3. Learned counsel for applicant submits that applicant is also residing along-with her family in the same house which got burnt in fire. On the date of incident, applicant and complainant had a quarrel and at the time of quarrel, some scuffle also took place between them in which Lantern which was kept in house fell down due to which house set on fire. Applicant has not set the house on fire

as he himself is owner of house. He has not committed any offence except abusing and assaulting to his wife. Applicant is in jail since 04.05.2021, hence, he may be released on bail.

4. Learned State Counsel opposes the submission of learned counsel for the applicant and submits that specific allegation of setting house on fire is levelled by complainant in FIR as well as in her statement recorded under Section 161 of Cr.P.C. hence, he is not entitled for grant of bail.
5. Learned counsel for Complainant submits that he is having no objection in granting bail to applicant.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, the fact that applicant is owner of house which got burnt in fire, complainant is his wife, manner in which alleged incident took place, period of detention of applicant since 04.05.21, without commenting anything on merits of the case, I am inclined to allow this application.
8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-