

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8398 of 2021**

Prabhakar Jha, aged about 25 years, son of Sadanand Jha, resident of House No.1529, near Bharat Mata School, Tatibandh, Police Station – Amanaka, Raipur, District – Raipur (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station – Purani Basti, Raipur, District Raipur (C.G.)

----Non-applicant

For Applicant	:	Mr. Sangeet Kumar Kushwaha, Advocate.
For Non-applicant	:	Mr. Dinesh Tiwari, Dy. Govt. Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****18.11.2021**

(1) The applicant/accused has preferred this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 130/2021 registered at police Station Purani Basti, Raipur, District Raipur (C.G.) for commission of offence punishable under Sections 294, 323, 506, 327 & 341 of the Indian Penal Code & Sections 25 & 27 of the Arms Act.

(2) Case of the prosecution, in brief, is that on 06.06.2021 at about 10.15 P.M. when the complainant was returning to his house, at that time, on the way the applicant stopped him and demanded money, which was refused by him, on account of which, applicant abused him in filthy language; assaulted him and also threatened to kill him at the point of knife and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that applicant is innocent and he has been falsely implicated in this case, as he has not committed

the alleged crime. He would next submit that marriage of applicant's sister namely Richa has been fixed and same is scheduled to be held on 21.11.2021 and the applicant, being brother, is required to be present at the time of marriage. He would submit that applicant is in detention since 18.9.2021; charge sheet has been filed and the applicant is permanent resident of District Raipur, hence, there is no chance to influence the prosecution witnesses or absconding of the applicant and, therefore, the applicant may be released on regular bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstances of the case, nature & gravity of the offence, particularly the fact that marriage of applicant's sister namely Richa is scheduled to be held on 21.11.2021 and the applicant, being brother, is required to be present at the time of marriage, which is evident from marriage invitation card (*Annexure A-2*) filed by the applicant; also taking into consideration of the fact that the charge sheet has already been filed and the applicant is in detention since 18.9.2021 and totality of the facts, I am of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, today.

Sd/-
(N.K. Chandravanshi)
Judge

D/-

