

(2019) 08 CHH CK 0066

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 4857 Of 2019

Alok Jaiswal

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 09-08-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 307, 394, 397

Citation : (2019) 08 CHH CK 0066

Hon'ble Judges : Goutam Bhaduri, J

Bench : Single Bench

Advocate : Hanuman Prasad Agrawal, Sudeep Verma

Final Decision : Allowed

Judgement

Goutam Bhaduri, J

1. Heard.

2. This is the Fourth Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 21.01.2017 in connection with Crime No.06/2017 registered at Police Station Baradwar, District Janjgir-Champa (CG) for the offence punishable under Sections 307, 397, 394 & 34 IPC.

3. The first bail application bearing M.Cr.C. No.6670/2017 was dismissed as withdrawn on 06.12.2017. The second bail application bearing M.Cr.C. No.4245/2018 was dismissed as withdrawn on 02.07.2018 and the third bail application bearing M.Cr.C. No.9476/2018 was also dismissed as withdrawn on 05.12.2018.

4. As per the prosecution case, the applicant on 09.01.2017 took the victim Tileschwari Jaiswal to a forest of Chhita Pandri Nursery and thereafter along with the co-accused tried to kill her by throttling and looted Rs.9000, ATM card,

Mobile etc. Thereby the offence has been committed.

5. Learned counsel for the applicant submits that the victim and the applicant are related to each other which would be evident from the statement of the victim Tileshwari and she has not stated anything against the applicant. He would further submit that because of some dispute arose in between the applicant and the victim as they are related to each other, the report was lodged. He would further submit that the applicant is in jail since 21.01.2017, therefore, the applicant may be released on bail.

6. Per contra, learned State counsel opposes the prayer for grant of bail.

7. Perused the statement of the victim Tileshwari Jaiswal. Considering the same as also the nature of allegation and further taking into the fact that the applicant is in jail since 21.01.2017, I am inclined to release the applicant on bail.

8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in 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 by the said Court.