

(2018) 05 CHH CK 0134

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 2556 Of 2018

Gokul Nishad

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: May 15, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 148, 149, 294, 307, 323, 506
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Rohitashwa Singh, Aand Dadaria

Final Decision: Allowed

Judgement

Sanjay K. Agrawal, J

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail

during trial in connection with Crime No.299/2017, registered at Police Station Mova Pandari, District Raipur (C.G.) for the offence punishable under

Sections 307, 294, 323, 506, 147, 148 read with Section 149 of the IPC.

2. Case of the prosecution, in brief, is that on 30-09-2017 on Dashera festival, the applicant along with seven persons assaulted complainants Lakki

Yadav, Jeetram Dhiwar and Hirawan Dhruv by which they suffered grievous injuries which were sufficient to cause their death and thereby the

applicant committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in crime in question, he is in jail 01-10-2017, charge-

sheet has been filed and co-accused Tikeshwar Sahu has been released on bail by order of this Court dated 06-03-2016 passed in M.Cr.C.

No.218/2018, therefore, the applicant may be released on regular bail.

4. On the other hand, learned counsel appearing for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties, considered rival submissions and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, role of the

applicant, pre-trial detention, material available on record and co- accused Tikeshwar Sahu has been released on bail by order of this Court dated 06-

03-2016 passed in M.Cr.C. No.218/2018, this Court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. 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/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance

as and when directed.