NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2889 of 2015

Kaushal, S/o Ram Awtar, aged about 35 years, R/o Village-Sardapur, P.S.-Trikunda, District- Balrampur-Ramanujganj (C.G.)

Versus

State Of Chhattisgarh Through police Station-Trikunda, District Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant: Shri A.K. Yadav, Advocate.
For Respondent/State: Shri Siddharth Rathore, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/07/2015

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 40/2014 registered at Police Station Trikunda, District Balrampur-Ramanujganj for the offences punishable under Sections 302, 201, 460, 380, 120-B & 109 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that present applicant along with co-accused Chandradev @ Bhoda caused death of

Dharmendra in the intervening night of 10/11.8.2014 at the instance of one Mahadeo Gupta.

(3) Learned counsel for the applicant submits that applicant has falsely been implicated in the offence in question as he has not committed any offence. He also submits that similarly situated co-accused – Mahadeo Gupta has already been granted bail by this Court and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State submits it is the present applicant and other co-accused- Chandradev @ Bhoda, who have caused the death of Dharmendra; and case of the present applicant is distinguishable to the other co-accused person, who has been granted bail by this Court, therefore, the applicant is not entitled for regular bail.

(5) Taking into consideration the nature and gravity of the offences; further considering the role of the present applicant in the crime in question; and the fact that case of the present applicant is distinguishable to the other co-accused person, who has been granted bail by this Court, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-