

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3912 of 2015**

Bhola @ Raju Pratap S/o Gulab Singh Thakur, aged about 22 years, R/o Railway Banglapara, Jairam Colony, Raigarh, Tahsil & District Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh, Through-Station House Officer, Police Station-City Kotwali, District-Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Ashish Gupta, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.426/2015, registered at Police Station-City Kotwali, Raigarh, Distt.Raigarh (C.G.), for the offence punishable under Sections 365, 294, 506 and 323/34 of the IPC.

2. Case of the prosecution, in brief, is that the present applicant and other co-accused persons assaulted the victim and he was kidnapped and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that in fact co-accused in this case namely, Ankit Gorakh was brutally assaulted and beaten, by which he suffered head injury and was admitted in the hospital, in which Crime No.424/2015 was registered in Police Station City Kotwali, Raigarh against Sajji Philip, victim in this case and

others and they have been charged for the various offences. He would also submit that Ankit Gorakh, co-accused in this case, has already been granted anticipatory bail in M.Cr.C.(A) No.580 of 2015 on 3.8.2015, no useful purpose would be served by detaining him in jail and charge-sheet has already been filed, therefore, he may be released on bail.

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

5. I have heard learned counsel appearing for the parties 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 offence; registration of counter-case against victim of this case, pre-trial detention of the applicant and also considering the fact that charge-sheet has already been filed, this Court is of the opinion that present is the 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.

8. It is directed that applicant shall be released on bail on 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.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-