

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4763 of 2015**

Nishikant Harpal S/o Suresh Bihari Harpal, aged about-39 years, R/o Umda Road, Bhilai Dream City, 24A, P.S.-Bhilai-3, Civil and Revenue Distt.-Durg (CG)

---Applicant**Versus**

State of Chhattisgarh, through, S.H.O., Police Station-Bhilai,-3, Distt.Durg (CG)

---Non-applicant

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Dhiraj K. Wankhede, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/11/2015**

1. This is the second 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.463/2013, registered at Police Station-Bhilai-3, District-Durg (CG), for the offence punishable under Section 304B/34 of the IPC.

2. First bail application of the applicant has been dismissed as withdrawn with liberty to move an application after bail application of mother of the applicant is decided.

3. Learned counsel for the applicant would submit that bail application of mother of the applicant has been decided and she has been granted bail by this Court vide order dated 29.7.2015 passed in M.Cr.C.No.3326 of 2015. He would further submit that the applicant is in jail since 26.6.2014 and not a single witness has been examined and applicant's mother namely Bhumisuta Harpal has already been granted bail by this Court on the ground of delay in trial and case of the present applicant is similar to that of his mother.

4. Learned Government Advocate for the State after verifying the record would submit that allegation against the present applicant and his mother is identical.

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; long detention of the applicant since 26.6.2014; the fact that not a single witness has been examined till this date; role of the present applicant and considering the nature of material available on record and his case being similar to his mother who has already been enlarged on bail, 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 second bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-