

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6362 of 2015

1. Bhonu Kashyap, S/o. Ramsumer Kashyap, aged about 22 years, R/o. Shastri Nagar Camp-1, Near Mehman Coal Depot., Bhilai, Police Station : Chhawani, District Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : District Magistrate, Police Station– Chhawani, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. Rajesh Kumar Sharma, Advocate
For Respondent/State	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2015

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.397/2015, registered at Police Station – Chhawani, District – Durg (C.G.) for the offence punishable under Section 294, 506, 324, 459, & 307/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant and other co-accused persons entered into the house of the complainant, Ram Kumar on 20.07.2015 and caused grievous injuries by axe, which was sufficient to cause his death and thereby committed aforesaid offence.
3. Learned counsel for the applicant would submit that co-accused, Kishan who has been assaulted the complainant by axe and the axe has been recovered from the possession of the co-accused, Kishan. He would further submit that similarly placed co-accused , Umesh

Kashyap has been enlarged on bail by the Co-ordinate Bench of this Court in M.Cr.C. No.4872/2015 vide order dated 21.09.2015, therefore, he prays that the applicant may also be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, not able to dispute the fact that similarly placed co-accused has been enlarged bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the fact that similarly placed co-accused has been enlarged on bail by the Co-ordinate Bench of this Court in M.Cr.C. NO.4872 of 2015, I am inclined to allow this application and release the applicant on 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 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/-
(Goutam Bhaduri)
Judge