

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6552 of 2015

1. Vikas Kumar Sahu @ Vikky, S/o. Yashwant Kumar, aged about 20 years, R/o. Village-Tekari, via- Mandhar, Police Station – Vidhansabha, District - Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Pandari, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. B.L. Sahu, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/12/2015

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.174/2015, registered at Police Station – Pandari, Raipur, District – Raipur (C.G.) for the offence punishable under Section 307/34 of Indian Penal Code and Section 25 of Arms Act.
2. Case of the prosecution, in brief, is that on 20.07.2015, the applicant and two other co-accused persons assaulted injured Krishna Kumar and Nagesh Patel by which they suffered grievous injury which was sufficient to cause death.
3. Learned counsel for the applicant would submit that the name of the applicant has not been categorically stated that he has assaulted the injured namely Krishna Kumar and Nagesh Patel. He would further submit that the applicant has been falsely implicated in this case. He

would further submit that the applicant is in jail since 25.07.2015, therefore, he prays that the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail and would submit that earlier co-accused has been enlarged on bail taking into the fact that the main assailant was this applicant, Vivek Kumar Sahu, therefore, he is not entitled for bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having perused the identification memo and the memorandum, main assailant appears to be pointed out to this applicant, therefore, the same is to be ascertained before the Trial Court. Considering the role played by the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge