

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4935 of 2015**

1. Avinash, S/o. Naresh Vishwas, aged about 20 years, R/o. Bagwanpur, Digma, P.S. Gandhinagar, Post. Ambikapur, Civil & Revenue District – Surguja (C.G.)
2. Arun Vyapari, S/o Anil Vyapari, aged about 25 years, R/o. Village Chathirma, P.S. Gandhinagar, Post. Ambikapur, Civil & Revenue District – Surguja (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through Officer-in-charge, Police Station – Gandhinagar, P.S. Gandhinagar, Post Ambikapur, Civil & Revenue District – Surguja (C.G.)

---- Non-applicant

For Applicant: Ms. Priyanka Mehta, Advocate.
For Respondent/State: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/09/2015**

Heard.

(1) At the outset, counsel for the applicants submits that she may be permitted to withdraw this bail application in relation to applicant No. 2- Arun Vyapari.

(2) She is permitted to do so.

(3) Accordingly, the bail application in relation to applicant No. 2- Arun Vyapari is dismissed as withdrawn.

(4) The accused/applicant No. 1- Avinash 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.53/2015 registered at Police Station Gandhinagar, Ambikapur, Distirct Surguja for the offences punishable under Sections 326, 294 & 307/34 of the Indian Penal Code.

(5) Case of the prosecution, in brief, is that present applicants assaulted injured/victim – Pankaj Malik on 9.3.2015 at 7 p.m. by which, he suffered grievous injuries which were sufficient to cause his death.

(6) Counsel for the applicant No.1 submits that applicant No.1 has not committed any offence and he has been falsely implicated in the offence in question as there is no allegation of causing assault against the applicant No. 1 and, as such, he is languishing in jail since 17.04.2015 and the charge sheet has already been filed and, therefore, the applicant No.1 may be released on bail.

(7) On the other hand, counsl for the State would submit that applicant No. 2 – Arun Vyapari had caught hold of injured and caused injuries by knife to him.

(8) Taking into consideration the facts & circumstances of the case; role of the applicant No.1 in the crime in question; considering his pre-trial detention and the fact that main assault is made by applicant No. 2; this Court is of the opinion that present

is the fit case, in which, the applicant should be enlarged on regular bail.

(9) Accused/applicant No. 1 - Avinash is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-