

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6375 of 2015

1. Rajgir @ Sani, S/o. Gopal Singh Gill, aged about 21 years, R/o. MIG – 77, Kabir Nagar, Present – Vijay Complex, Amlidih, P.S. Kabir Nagar, Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mrs. Indira Tripathi, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/11/2015

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.91/2015, registered at Police Station – Amanaka, District – Raipur (C.G.) for the offence punishable under Section 307, 186, 353, 294, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 04.05.2015 at about 11.15 pm, the applicant alongwith other co-accused persons assaulted the complainant/injured – Janak Prasad, Track Man of Railway department and deterred him from performing public duty and caused grievous injuries to him, which was sufficient to cause death.
3. Learned counsel for the applicant would submit that there is no T.I. parade has been conducted by the prosecution. She would further submitted that according to the allegation made no offence under

Section 307 of I.P.C. is made out as the injuries is of simple in nature and therefore, no purpose would be served detaining the applicant in jail. Therefore, she prayed that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that earlier in M.Cr.C. No.5103 of 2015, vide order dated 28.09.2015, co-accused, Lochan Bagh was granted bail and it was predominantly argued by the learned counsel for the applicant that the main accused is Rajgir @ Sani i.e. the present applicant, therefore, the counsel prays that the applicant may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the order passed in M.Cr.C. No5103/2015, wherein the submission was made that the present applicant is the main accused and on that basis bail was granted to other accused, therefore, I am not inclined to allow this application and release the applicant on bail. However, liberty is reserved to the applicant to revive the same after examination of the complainant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge