

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5103 of 2015**

- Lochan Bagh, S/o Kailash Bagh, aged about 20 years, R/o Indratma Nagar, Puraina, near Madhvi Shop, Rajendra Nagar, Raipur, Civil & Revenue Distt. Raipur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Amanaka, Distt. Raipur (C.G.)

---- Non-applicant

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

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****28/09/2015**

Heard.

(1) The accused/applicant 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. 91/2015 registered at Police Station Amanaka, District Raipur for the offences punishable under Sections 307, 186, 353, 294 read with Section 34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 4.5.2015 at 11.15 pm applicant & other co-accused persons assaulted 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) Counsel for the applicant submits that the applicant has falsely been implicated in the offence in question as he has not been named in the First Information Report, in fact the main accused is one Raj Gill @ Sunny, who has assaulted the injured/victim and the present applicant has unnecessarily been arrested on 05.06.2015 and since then he is in jail. She further submits that charge sheet has already been filed and no useful purpose would be served in detaining him in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; further considering his pre-trial detention and the fact that charge sheet has already been filed and no custodial interrogation is required; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant 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/-

