

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC NO. 5225 of 2015**

Vishal Dewangan, S/o Beni Madhav, aged about 22 years, R/o Kundrubadi, Karbala, Police Station-Kotwali, Bilaspur, Distt.Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station–Kabir Nagar, Raipur, District Raipur (CG)

---Non-applicant

For Applicant	:	Mrs.Fouzia Mirza, Advocate
For Non-applicant	:	Mr. Arvind Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

01/10/2015

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.56/2015, registered at Police Station Kabir Nagar, Distt.Raipur (C.G.), for the offence punishable under Sections 147, 452, 427, 294, 506, 342 and 307 of the IPC.

2. Case of the prosecution, in brief, is that on 14.7.2015 the applicant and six other co-accused persons assaulted complainant Ashwani Dewangan, injured/victim by hands, fists and wooden stick by entering into his factory, they also abused and threatened him to kill, by which he suffered grievous injuries, which were sufficient to cause his death and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. She would further submit that in fact, there is an agreement between the injured and the present applicant to separate their business concerned and the injured has called the present applicant to make payment of money consequent to the agreement

dated 8.5.2015 and there is only linear fracture, the applicant is in jail since 16.6.2015, the injured only remained in hospital for one day and substantial investigation has already been completed. She would also submit that similarly situated co-accused Sunil Devangan has been enlarged on bail by this Court vide order dated 24.8.2015 passed in M.Cr.C.No.4196 of 2015 and case of the present applicant is similar to that of co-accused and, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; nature of relationship between the parties; nature of injury; pre-trial detention of the applicant and the fact that bail was granted to co-accused Sunil Devangan, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular 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 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/-

(Sanjay K. Agrawal)
JUDGE

B/-