

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5419 OF 2015**

1. Pramod Tiwari @ Vikky S/o Late Raju Tiwari aged 29 years

2. Shyam Gorakh S/o Jagdish Gorakh age 21 years

Both are R/o Soniya Nagar Raigarh Police Station City Kotwali Raigarh Civil and Revenue District Raigarh District Raigarh (C.G.)

---Applicants

Versus

State of Chhattisgarh, Through Police Thana City Kotwali Raigarh District Raigarh (C.G.)

---Non-applicant

For Applicants	:	Mr. Sanjay Agrawal, Advocate
For Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

12/10/2015

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 applicants who have been arrested in connection with Crime No. 24/2015, registered at Police Station City Kotwali District Raigarh (C.G.), for the offence punishable under Sections 294, 506, 323, 365/34 of I.P.C.

2. Case of the prosecution, in brief, is that, present applicants along with one other co-accused have abducted Jai Kumar Mishra on 08/01/2015 and wrongfully confined him and also caused simple hurt.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the offence in question. He would further submit that Jai Kumar Mishra is their

neighbour. He would lastly submit that applicants are in jail since 11/08/2015, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that seven cases have been registered and pending against the accused-Pramod Tiwari @ Vikky.

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

6. At this stage, learned counsel for the applicants seeks permission of this Court to withdraw the instant bail application with regard to applicant No.1- Pramod Tiwari @ Vikky.

7. Permission granted.

8. Accordingly, bail application is dismissed as withdrawn with regard to applicant No. 1- Pramod Tiwari @ Vikky.

9. So far as the bail application with regard to applicant No.2- Shyam Gorakh is concerned, taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant No.2 in offence in question and his pretrial detention since 11/08/2015, this Court is of the opinion that present is the fit case, in which, applicant No.2 should be enlarged on regular bail.

10. Accordingly, the bail application filed under Section 439 of the Cr.P.C. with regard to applicant No. 2 is allowed. It is directed that the applicant No.2- Shyam Gorakh shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court, for his appearance as and when directed.

11. Certified copy as per rules.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE