

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5708 of 2015

Subhash Sahu @ Raju, S/o. Santosh Sahu, Aged about 25 years, R/o. Satyam Nagar, Kachana, P.S. Vidhan Sabha, Raipur, District Raipur (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station Pendari, Raipur (C.G.).

---- Respondent

For Applicant : Mr. Raghavendra Pradhan, Advocate

For Respondent : Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.174/2015 registered at Police Station- Pandari, Raipur (C.G.) for the offence punishable under Section 307/34 of IPC.
2. Case of the prosecution is that on 20.07.2015 the applicant and two other co-accused persons assaulted injured Krishna Kumar and Nagesh Patel by which they suffered grievous injury which was sufficient to cause death.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated and actually the main assault was made by one Vikash Sahu. He relies on the order dated 22.09.2015 passed in M.Cr.C. No.4999 of 2015 and would submit that the similarly co-accused Vikram Chouhan has been released on bail on the ground that the main assault was

made by Vikash Sahu. He therefore submits that the present applicant may also be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
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; role of the present applicant as the assault is said to have been made by Vikash Sahu, which is affirmed in M.Cr.C. No.4999 of 2015 and bail was granted to the other co-accused and the case of applicant is similar to the case of grant of bail to other co-accused, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge