

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5645 of 2015**

Sidharth @ Sidheswar S/o Manoj Singh Thakur, aged about 19 years, R/o Village – Uslapur Chowki Fasterpur, P.S.-Kotwali, Civil & Revenue Distt.Mungeli (CG)

---Applicant

Versus

State of Chhattisgarh, through, Station House Officer, Police Station-Kotwali, Distt.Mungeli (CG)

---Non-applicant

For Applicant	:	Mr. Vivek Tripathi, Advocate
For Non-applicant	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/10/2015

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.264/2015, registered at Police Chowki-Fasterpur, Police Station-Kotwali, District-Mungeli (C.G.), for the offence punishable under Sections 147, 148, 149, 307, 294 and 506/34 of the IPC.

2. Case of the prosecution, in brief, is that the present applicant and three other co-accused persons alleged to have assaulted complainant Manish Singh Dhawai, by which, he suffered grievous injuries, which were dangerous to life.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the offence in question as he has not committed any offence, in fact, the offence under Section 307 of the IPC was inserted subsequently; it was not registered initially, in order to implicate the present applicant for the non-bailable offence. He would further submit that applicant is languishing in jail since 6.10.2015 and charge-sheet is yet to be filed but

substantial investigation has already been made and therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the injuries suffered by the victim are grievous in nature and therefore, the applicant is not entitled to be released on 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 in offence in question, considering his pre-trial detention, the fact that substantial investigation has already been made and the fact that bail was granted to similarly situated co-accused Ramanand Singh Thakur vide order dated 29.7.2015 passed in M.Cr.C.No.3429 of 2015, 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 his 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/-