

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.161 of 2016

Pitambar, S/o Vrindavan Udiya Sahu, aged about 30 years, R/o Zone-3, Priyadarshini Market, Opposite City Town, Khursipar, P.S. Khursipar, District Durg (CG)

---- Applicant

Versus

State of Chhattisgarh, Through P.S. Khursipar, Distt. Durg (C.G.)

---- Non-applicant

For Applicant:	Mr. Pragalbha Sharma, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.336/2014, registered at Police Station Khursipar, Distt. Durg, for the offence punishable under Sections 294, 506B, 324 and 307 read with Section 34 of the IPC.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed as withdrawn with liberty to repeat after disposal of criminal case relating to offence under Section 307 of the IPC.
3. Case of the prosecution, in brief, is that on 5-10-2014, the applicant along with three other co-accused persons assaulted complainant Jitendra Singh by which he suffered grievous injuries which were

sufficient to cause death.

4. Learned counsel for the applicant submits that in another criminal case, the present applicant has already been acquitted and co-accused have been granted bail by this Court in M.Cr.C. Nos.1374/2015, 3678/2015 and 3534/2015. The applicant is in jail since 12-12-2014.
5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence; facts and circumstances of the case; in another criminal case relating to offence under Section 307 of the IPC, the applicant has already been acquitted vide judgment dated 21-12-2015 passed in S.T. No.38/2015 by the 5th Additional Sessions Judge, Durg; and the applicant is in detention in this case since 12-12-2014, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge