

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 637 of 2016

Ritesh Shriwas, S/o. Anup Kumar Shriwas, Aged About 22 Years, R/o. Tikrapara, Police Station- City Kotwali, Bilaspur, Revenue & Civil District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Officer-in-Charge, Police Station- City Kotwali, Bilaspur, Revenue & Civil District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Mahendra Dubey, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.02.2016

1. This is the second 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.341/2015 registered at Police Station– City Kotwali, Bilaspur (C.G.) for the offence punishable under Section 147, 148, 149, 307 of Indian Penal Code and 25 & 27 of Arms Act.
2. The first bail application is dismissed as withdrawn on 16.12.2015 in M.Cr.C. No.7063 of 2015 with liberty to file afresh after filing of the charge sheet.
3. Case of the prosecution, in brief, is that the applicant and 19 other co-accused persons constituted unlawful assembly and one co-accused Chiku made gun shot injury to injured/victim Satyajeet Sonkar by country made gun by which he suffered grievous injuries which were sufficient to cause death.

4. Learned counsel for the applicant would submit that the applicant has not committed any offence and the injured Satyajeet Sonkar was traveling along-with Chiku who was traveling on the same Scooter and since Satyajeet refused to obeying the instructions of Chiku, the gun shot was fired by Chiku on the injured and this applicant was also traveling in a separate vehicle along-with Amit Singh, who has been enlarged on bail by the co-ordinate Bench of this Court in M.Cr.C. No.7371 of 2015. He therefore submits that the present applicant may also be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into the fact that the charge sheet has been filed and considering the statement of the injured and further taking into consideration the fact that the other similarly placed co-accused Amit Singh has been enlarged on bail by the co-ordinate Bench of this Court, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge