

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 1158 /2016

Harish Gendaley, S/o. Shri Jainendra Kumar Gendaley, Aged About 24 Years, R/o. Tikrapara, Near Manu Chowk, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- City Kotwali, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Virendra Kumar Janardhan, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.03.2016

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 the Arms Act.
2. 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 Satyajit Sonkar by country made gun by which he suffered grievous injuries which were sufficient to cause death.
3. Learned counsel for the applicant submits that this is the second bail application and the earlier bail application was dismissed as withdrawn with liberty to repeat the same after some time. He would submit that six witnesses have been examined namely

Satyajit Sonkar, Rasik Lal, Jafar @ Sanu Khan, Shailendra Bajpai, Amarjit and Beeru Sahu and they have not supported the case of the prosecution. He further submits that one of the person in the group namely Amit Singh has been enlarged on bail by the co-ordinate Bench of this Court on 01.02.2016 in M.Cr.C. No.7371 of 2015, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the injured Satyajit Sonkar. The injured Satyajit has not supported the case of the prosecution. One co-accused Amit Singh has been enlarged on bail by the co-ordinate Bench of this Court. Perusal of the statement of the injured Satyajit Sonkar would show that the allegations against this applicant and Amit Singh are similar in nature. Taking into such fact and the fact that most of the witnesses i.e. six witnesses have turned hostile, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge