

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1269 of 2016

1. Chand @ Mahesh Sahu, S/o Late Vijay Sahu, aged about 19 years, Occupation Student, R/o Panjari Plant, Chakradharnagar, Raigarh, Tahsil & District Raigarh (C.G.)
2. Vijay Chauhan, S/o Jagdish Chauhan, aged about 24 years, R/o Kaserpara, Chakradhar Nagar, Raigarh, Tahsil & District Raigarh (C.G.)
---- Applicants

Versus

State of Chhattisgarh, through District Magistrate, Raigarh (C.G.)
---- Non-applicant

ANDMisc. Criminal Case No.1324 of 2016

Mantosh Parmanik @ Tasa (wrongly typed as "Mantosh Marmanik @ Tasa"), S/o Shri Sanat Kumar Parmanik, aged about 34 years, R/o Sethi Nagar, Chakradharnagar, Raigarh, Police Station and Post Chakradharnagar, Civil and Revenue Distt. Raigarh (C.G.)
---- Applicant

Versus

State of Chhattisgarh, through Police Station City Kotwali, Raigarh, District Raigarh (C.G.)
---- Non-applicant

For Applicants in M.Cr.C.No.1269/2016: -

Mr. Ashish Gupta, Advocate.

For Applicant in M.Cr.C.No.1324/2016: -

Mr. Manoj Paranjpe, Advocate.

For Non-applicant: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/03/2016

1. Since both the bail applications involve common question of law and fact and are arising out of the same crime number, they are being disposed of by this common order.

2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.424/2015, registered at Police Station City Kotwali, Raigarh, Distt. Raigarh, for the offence punishable under Sections 147, 148, 294, 506, 323, 307 read with Section 149 of the IPC; Sections 25 and 27 of the Arms Act.
3. Case of the prosecution, in brief, is that the applicants and other co-accused persons on 26-5-2015 at 11 p.m. assaulted Ankit Gorakh by stick and sword by which he suffered grievous injuries which were sufficient to cause death.
4. Learned counsel for the applicants submit that the applicants have not committed any offence and they have been falsely implicated in the case. The applicants are in jail since 8-1-2016 and charge-sheet has been filed.
5. On the other hand, learned State counsel opposes the bail applications.
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, role of the applicants, nature of injuries, period of hospitalization of the victim and pretrial detention of the applicants, I am of the opinion that the applicants deserve to be released on regular bail. Accordingly, the applications are allowed.
8. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge