

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2375 of 2016

- Nitin Sahu S/o - Basant Kumar Sahu Aged About 28 Years R/o - D - 43, Housing Board Colony, Shankar Nagar, Police Station - Civil Lines, District - Raipur Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through - Police Station - Civil Lines, District - Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. D.K. Gwalre, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.06.2016

1. This is the first 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.653/2015, registered at Police Station Civil Line, Raipur, District – Raipur (C.G.) for the offence punishable under Sections 148 & 307/149 of the Indian Penal Code and Section 25/27 of the Arms Act.
2. Case of the prosecution, in brief, is that on 26.10.2015 the applicant and five other co-accused persons assaulted victim Rajesh Chhatani by deadly weapons by which he suffered grievous injuries which were sufficient to cause his death.
3. Learned counsel for the applicant would submit that prosecution has leveled allegation that assault to the victim has been made by co-accused Rakesh Agrawal @ Rinku Agrawal and the present applicant where as co-accused Rakesh Agrawal @ Rinku Agrawal has been enlarged on bail in M.Cr.C. No. 1495 of 2016 by this Court on 16.03.2016, therefore, the applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents.
6. Considering the fact of this case, nature and gravity of the offence, role of the present applicant, his pre-trial detention and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a 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 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.

Sd/-
(Goutam Bhaduri)
Judge