

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Miscellaneous Criminal Case No.2647 of 2016

Nishachaya Pathak, son of Jagdish Pathak, aged about 20 years, R/o Lohiya Nagar, Kapa, Mowa, P.S. Pandri, Civil and Revenue District Raipur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Maneesh Sharma, Advocate
For State/Respondent	:	Shri Neeraj Jain, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

7/6/2016

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.500 of 2015 registered at Police Station Khamtarai, Raipur, District Raipur (Chhattisgarh) for the offence punishable under Sections 294, 506B, 323 and 307 read with Section 34 IPC. The Applicant is in jail since 25.12.2015.

2. Learned Counsel for the Applicant submits that it is a case where during pendency of the matter, the Applicant had been released on temporary bail for the period from 11.3.2016 to 24.4.2016 for participating in the B.Com. Examination and during the said period he did not misuse the liberty granted to him in any manner. Learned Counsel further submits that it is the case where the main allegation has been levelled against Aizaz Khan, who had caused the injuries upon Complainant Rahul Kukreja and that the present Applicant was only in company of Aizaz Khan. He further submits that Aizaz Khan has already been released on

bail in M.Cr.C. No.1921 of 2016 on 12.4.2016 and therefore the present Applicant may also be considered for release on bail.

3. Learned Counsel for the State does not dispute the said fact put forth by Learned Counsel for the Applicant, however, he opposes the bail application on the ground that the present Applicant had also played a role in assaulting the Complainant.

4. I have heard Learned Counsel appearing for the parties.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly, the co-accused Aizaz Khan has already been released on bail, this Court is of the opinion that the present is a fit case in which the Applicant should be enlarged on regular bail.

6. Accordingly, the bail application is allowed.

7. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- (Twenty Thousand) with two sureties in the like sum to the satisfaction of the concerned Court for his appearance before the said concerned Court as and when directed.

8. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge