NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3548 of 2016

- Subhash Mahanand S/O Vikram Mahanand Aged About 24 Years R/O. Pandri, Gandhi Nagar, Near Kishan Stores, Police Station : Civil Line Raipur, District : Raipur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through : Police Station : Civil Line, Raiur, District : Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18-07.2016

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 on 15-11-2015 in connection with Crime No. 253 of 2015, registered at Police Station Civil Line, Raipur, District Raipur (CG).

2. As per prosecution case, on 26-10-2016, the applicant along with 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 and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed in this case, he is in jail since 15-11-2015 and no further investigation is required. He would further submit that similarly placed other co-accused Nitin Sahu has been granted bail vide

order dated 20-06-2016 passed by this Court in M.Cr.C.No. 2375 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused who has been granted bail by this Court.

5. I have heard learned counsel for the parties and have also perused the case diary and the documents.

6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 15-11-2015 and further considering the fact that similarly placed co-accused has been granted bail by this Court, I am inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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

Raju