

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4707 of 2016

1. Rahul Mahanand, S/o. Devraj Mahanand, Aged About 23 Years, R/o. Pandri, Gandhi Nagar, Near Kishan Stores, Police Station- Civil Line Raipur, District Raipur, Chhattisgarh.
2. Raimond @ Khada Raju Sen, S/o. Santosh Sen, Aged About 24 Years, R/o. Gandhi Nagar, Near Vijay Kirana Stores, Police Station- Civil Line Raipur, District Raipur, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants : Mr. D. Kushwaha, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.08.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have 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 Section 148, 307/149 of Indian Penal Code and under Section 25 (1-ख)(क), 27 of Arms Act. The earlier bail application was dismissed for want of prosecution on 19.07.2016 in MCRC No.3766 of 2016.
2. As per the prosecution case, on 26.10.2016 the applicants alongwith five other co-accused persons assaulted the 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 for the applicants would submit that the applicants have been falsely implicated, charge sheet has been filed in this case, they are in jail since 15.11.2015 and no further investigation is required. He further submits that the similarly placed other co-accused has been granted bail by this Court in MCRC No.3548 of 2016 vide order dated 18.07.2016, therefore, the applicants may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the case of the present applicants are similar to the case of the other co-accused who has been granted bail by this Court.
5. Taking into consideration the facts & circumstances of the case, nature of allegation leveled against the applicants, charge sheet has been filed and the applicants are in jail since 15.11.2015 and further considering the fact that the similarly placed co-accused has been granted bail by this Court, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge