

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5077 of 2016

1. Amit Jagat, S/o. Chakradhari Jagat, aged about 22 years, R/o. Santoshi Nagar, Raipur, Police Station – Tikrapara, Raipur, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Tikrapara, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. V.R. Tiwari, Advocate and Mr. Shakti Raj Sinha Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/09/2016

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.341/2015, registered at Police Station – Tikrapara, Raipur, District – Raipur (C.G.) for the offence punishable under Section 147, 148, 149, 323, 302 of Indian Penal Code. The first bail application was dismissed as withdrawn vide order dated 10.12.2015 with liberty to file afresh after examination of the witness Uttam Bakshi and the second bail application was dismissed as withdrawn with liberty to repeat the same after examination of the eye-witnesses.
2. Case of the prosecution, in brief, is that on 05.07.2015 one Sonu and Raja Bangali entered into scuffle with Kailash Harpal and Kailash Harpal was assaulted. Subsequently, he called the other co-accused, wherein the present applicant also present. Thereafter,

one Bhim, who tried to intervene in to scuffle was stabbed and he died. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that all the eye-witnesses and the seizure witness in this case have been examined and they have not stated anything against the present applicant though they have stated against other co-accused persons, therefore, the counsel submits that no case is made out against the applicant and the applicant is not present on the spot. Therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that against the present applicant no allegation have been attributed.
5. I have heard learned counsel appearing for the parties.
6. Considering such statement made, 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge