

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 451 of 2016**

Mukesh @ Gola Tandon, S/o Shri Darbari Lal, Aged about 19 years, R/o Mini Basti Jarhabhata, P.S. Civil Lines, Distt. Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through :- Civil Lines, Bilaspur, Distt. Bilaspur (C.G.)

-----Non-applicant

For Applicant: Mr. Dhirendra Pandey, Advocate.
For Respondent/State: Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/02/2016**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 573/2015 registered at Police Station Civil Lines, Distt. Bilaspur for the offences punishable under Sections 452, 294, 323, 506, 325, 458 & 459/34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 21.09.2015 applicant & two other co-accused persons assaulted one Raju Khande in the night and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that initially the applicant was granted by the trial Court and at the time of filing of charge offences, offences under Sections 458 & 459 of the IPC has also

been added and, therefore, he has been arrested again. He further submits that similarly situated co-accused Rajesh Banjare has already been released on bail by order dated 17.12.2015 passed by co-ordinate bench of this Court in M.Cr.C. No.7089/2015 and applicant has not misused the liberty of bail as granted to him earlier and, therefore, he may be enlarged on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts and circumstances of the case; further considering the fact that applicant was earlier granted bail by the trial Court and he has not misused the liberty of bail as granted to him earlier; also considering his pre trial detention and the fact that similarly situated co-accused has already been released on bail; and the charge sheet has already been filed; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant – **Mukesh @ Gola Tandan** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

