

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.921 of 2016**

Govinda @ Ghanshyam, aged about 28 years, Son of Lalit Vaishnav, R/o. Village Khairwar, P.S. City Kotwali, Mungeli, District Mungeli (CG)

---Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police Station City Kotwali, Mungeli, District Mungeli (CG)

---Non-applicant

For Applicant	:	Mr. Vivek Shinghal, Advocate
For Non-applicant	:	Mr. D.R.Minz, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

03/03/2016

1. This is the first 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.283/2015, registered at Police Station-City Kotwali, Mungeli, District-Mungeli, (CG), for the offence punishable under Sections 323, 341 and 307/34 of the IPC.
2. Case of the prosecution, in brief, is that on 13.5.2015 the applicant and one co-accused assaulted victim Nitish Dubey by iron rod by which he suffered grievous injuries which were sufficient to cause his death and thereby committed the aforesaid offences.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that there is delay of 34 days in lodging the F.I.R. as incident took place on 13.5.5015 and F.I.R. has been lodged on 16.6.2015. The applicant is in jail since

11.10.2015 and charge-sheet has already been filed and therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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

6. Taking into consideration the facts & circumstances of the case; nature & gravity of the offence; role of the present applicant; his pre-trial detention; extent of delay in lodging the F.I.R. and the fact that charge-sheet has already been filed, 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 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-