

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1072 of 2016**

Ballu Sahu @ Dushrath Lal, S/o Shri Netram Sahu, Aged about 23 years, R/o Village Ramgarh in front of Dena Bank P.S. City Kowali, District Mungeli (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through: Police Station City Kotwali, Distt. Mungeli (C.G.)

-----Non-applicant

For Applicant: Mr. Dheerendra Pandey, Advocate.
For Non-applicant/State: Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/03/2016**

Heard.

(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. 283/2015 registered at Police Station City Kotwali, Distt. Mungeli (C.G.) for the offences punishable under Sections 323, 341 & 307/34 of Indian Penal Code.

(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 the offence in question. He would further submit that there is delay of 34 days in lodging the FIR as incident took place on 13.5.2015 whereas F.I.R. has been lodged on 16.6.2015. He would also submit that he applicant is in jail since 11.10.2015; charge-sheet has already been filed and the similarly situated co-accused – Govinda @ Ghanshyam has already been released on bail by this Court in M.Cr.C. No.921/2016 decided on 3.3.2016 and therefore, he may also be released on bail on the ground of parity.

(4) On the other hand, counsel for the State opposes 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 FIR and the facts that similarly situated co-accused has already been released on bail by this court 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 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.

Sd/-

(Sanjay K. Agrawal)
Judge

