

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 2101 OF 2016**

1. Naresh Ghosh aged about 21 years S/o Shivchand Ghosh R/o P.V. 82 Vijay Nagar Thana Bande District U.B. Kanker
2. Jayant Vishwas aged about 24 years S/o Jagdish Vishwas R/o P.V. 17 Thana Gondahur District U.B. Kanker
3. Indrajeet Mandal aged about 24 years S/o S. Mandal R/o P.V. No. 125 Thana Pankhanjore District U.B. Kanker

---Applicants**Versus**

The State of Chhattisgarh through District Magistrate
District U.B. Kanker

---Non-applicant

For Applicants	:	Mr. Parag Kotecha, Advocate
For Non-applicant	:	Mr. Dilmanrati Minj, Dy. GA

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**21/04/2016**

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 applicants who have been arrested in

connection with Crime No. 64/15, registered at Police Station Pakhanjore, for the offence punishable under Sections 147, 148, 149, 307 of I.P.C. & Sections 25, 27 of Arms Act.

2. Case of the prosecution, in brief, is that, present applicants and two other co-accused persons caused gun-shot injury to victim- Gorang Mandal on 11/07/2015, by which he suffered bullet injury, which was sufficient to cause death and thereby committed aforesaid offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the case. He would further submit that gun-shot injury has been made by Viplav Vishwas and present applicants have not caused any injury to the victim. He would further submit that no incriminating articles have been seized from the present applicants. He would lastly submit that charge sheet has been filed and applicants are in jail since 17/11/2015 & 16/11/2015, respectively, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that gun-shot injury has been made by Viplav Vishwas and he is still absconding. Although, knife has been seized from applicant No.2 and sword has been seized from applicant No.3.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question; gun-shot injury has been made by Viplav Vishwas; charge sheet has already been filed and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, **Naresh Ghosh, Jayant Vishwas and Indrajeet Mandal** shall be

released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court. Applicants shall appear regularly before the Investigating Officer/concerned trial Court.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge