

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.7571 of 2015

Manmohan Dewangan, S/o Lacchiram, Caste Dewangan, aged about 23 years, R/o Village Sivni, P.S. & Tehsil Champa, District Janjgir-Champa C.G.
 ---- Applicant

Versus

State of Chhattisgarh, Through P.S. Champa, Through District Magistrate, District Janjgir-Champa C.G.
 ---- Non-applicant

For Applicant:	Mr. Sumit Singh, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.279/2015, registered at Police Station Champa, Distt. Janjgir-Champa, for the offence punishable under Section 307 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant herein in furtherance of common intention along with co-accused Pramod Dewangan, assaulted victim Govind Dewangan by sword by which he suffered four incised injuries on various parts of the body which were sufficient for causing death and thereby committed the offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. Knife injury has been caused by co-accused Pramod Dewangan, no overt act is attributed to the present applicant and he is in custody since 16-11-2015. Charge-sheet has already been filed and no further custodial interrogation of

the applicant is required and, therefore, he be enlarged on bail.

4. On the other hand, learned State counsel would oppose the application and would submit that the present applicant took money from the victim to get him employed in Punjab National Bank and the victim demanded money and Pramod Dewangan – co-accused, assaulted the victim by knife by which he suffered injuries which were sufficient to cause death and therefore, the application deserves to be rejected.
5. I have heard learned counsel for the parties and gone through the case diary.
6. Having heard learned counsel for the parties, after going through the record, taking into consideration the knife injuries alleged to have been caused by Pramod Dewangan – co-accused, further considering the nature of injuries, charge-sheet has already been filed, extent of overt act attributed against the applicant and he is in custody since 16-11-2015, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge