

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.4492 of 2016**

Bharatlal Sahu S/o Shri Bishat Sahu, aged About 48 Years R/o Village Samoda, Police Station Arang, Tahsil & District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Arang, District Raipur Chhattisgarh.

-----Non-Applicant

For Applicant:	Shri CR Sahu, Advocate.
For Non-Applicant/State:	Shri OP. Sahu, Government Advocate.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

9.8.2016

1. This is the 2nd bail application. The present Applicant has preferred this repeat bail application under Section 439 Cr.P.C for grant of bail as he is arrested in connection with Crime No.115/2016 registered at Police Station – Aarang, Distt. Raipur (CG) for the offence punishable under Section 306 IPC. The 1st bail application was dismissed as withdrawn on 7.6.2016 on the ground that the charge sheet was not filed by that time and now the charge sheet having been filed, this repeat bail application has been filed.

2. Learned Counsel for the Applicant submits that even if the entire charge sheet is taken into consideration as it is, even then, the ingredients required for making out an offence under Section 306 IPC, for which the necessary ingredients are that of abetment, are missing and therefore, the present Applicant deserves to be released on bail.

3. On the other hand, counsel for the State however opposes the bail application

4. Having heard learned counsel for the parties, taking into consideration the total facts and circumstances of the case particularly taking note of the statement of the mother of the deceased namely Smt Rupa Bai, this Court is of the opinion that the ingredients of abetment prima facie does not appear to be present leading to the commission of offence at the instance of the present Applicant and therefore, it is a fit case where the Applicant deserves to be and is accordingly released on bail.

5. Accordingly, the application is allowed. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the Trial Court, he shall be released on bail. He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
JUDGE