

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7515 of 2015

Sandeep Chaturvedi @ Pinku Pandey, S/o. Anusuiya Prasad Chaturvedi,
Caste Brahman, aged about 23 years, R/o. Village- Podi, P.S. Sidhi,
Tahsil Jaysing Nagar, District Shahdol (M.P.)

---- Applicant

Versus

State of Chhattisgarh, Through:- Police Station Manendragarh, District
Korea (C.G.)

---- Respondent

For Applicant : Dr. Shailesh Ahuja, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 79/2012, registered at Police Station– Manendragarh, District – Korea (C.G.) for the offence punishable under Sections 458,307,394/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 06.03.2012 the applicant alongwith the other co-accused persons namely Suraj Soni, Rajesh Yadav, Rajesh Bargah and Ramashankar Soni entered into the house of Dr. Arun Agrawal armed with weapon and assaulted him. At the time of incident the applicant was wearing Saree which was scuffed having blood stains.
3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the other co-accused namely Suraj Soni has been granted bail by the earlier

bench of this High Court in M.Cr.C. No. 1693/2012 on 03.05.2012 and the case of the present applicant alike that of Suraj Soni, therefore, he may be enlarged on bail.

4. Per contra State counsel opposes the prayer for grant of bail and submits that Dr. Arun Agrawal the injured is still to be examined and from this applicant a Saree which was scuffled having blood stains was recovered from the possession of the applicant and, therefore, the applicant should not be enlarged on the ground of parity.
5. Perusal of the case diary and reading of the statement of Dr. Arun Agrawal injured would show that while the offence was committed the applicant was wearing Saree and during the scuffle a Saree came out and applicant could be spotted. The Saree was recovered at the instance of this applicant which was having blood stains. Further considering the fact that Dr. Arun Agrawal is yet to be examined. Considering the way of offence has been committed by the applicant, I am not inclined to allow this bail application.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge