

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5220 of 2016

Bapa @ Bapan Ghosh, S/o Gopal Ghosh, Aged About 20 Years,
R/o Jamni Denga, Mahatpur, Nadia, Police Station And Post Office
Chapda, District- Gadiyal (West Bengal)

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, Police
Station- Telibandha, District- Raipur (Chhattisgarh)

---- Respondent

For applicant - Shri Shivendu Pandya, Advocate.
For Respondent/State – Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.321/2015 registered in Police Station Telibandha, District Raipur (C.G.) for offence punishable under sections 302, 302/34, 294, 323, 323/34 of IPC.
2. As per the prosecution case, the applicant alongwith other co-accused assaulted the deceased Mohit on his head by way of hammer and on 18/08/2015 he was admitted to the hospital and subsequently died on 17/09/2015. Thereby, offence is committed.
3. Learned counsel for the applicant submits that Prasanachit who was said to be eye witness of the incident has turned hostile. He has not supported the case of the prosecution, therefore the applicant may be released on bail.
4. Learned State counsel is not able to dispute the fact that eye witness has turned hostile.
5. Considering the statement of Prasanachit and query report and injury of the deceased are to be ascertained by the trial court, without further observation on the merits of this case, this court is inclined to

release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE