

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6811 of 2016

1. Bhoval Ghosh @ Shankar Ghosh S/o Late Shri Ganesh Ghosh
Aged About 33 Years,

2. Neetu Ghosh S/o Late Shri Mayantu Ghosh Aged About 62
Years,

Both R/o Badvali Danga, S-Chapda District Nadiya (W.B.) (Details
Mentioned Variedly In Order Sheet)

---- Applicants

Versus

State Of Chhattisgarh Through : Police Station - Telibandha, District
Raipur Chhattisgarh

---- Respondent

For applicants - Shri J.K. Gupta, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

23/11/2016

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.321/2015 registered in Police Station Telibandha, Dist. Raipur (C.G.) for offence punishable under sections 302, 302/34, 323, 323/34 of the IPC.

2. As per the prosecution case, the applicants 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 applicants 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. He further submits that similarly placed co-accused has been enlarged on bail by this court on 7/09/2016 vide M.Cr.C. No.5220/2016, therefore the applicants may be released on bail.

4. Learned State counsel is not able to dispute the fact that similarly

placed co-accused has been enlarged on bail by this court on 7/09/2016 vide M.Cr.C. No.5220/2016.

5. Considering the statement of Prasanachit, query report and injury of the deceased are to be ascertained by the trial court, without further observation on the merits of this case and also for the fact that similarly placed co-accused has been enlarged on bail by this court on 7/09/2016 vide M.Cr.C. No.5220/2016, this court is inclined to release the applicants on bail.

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

Sd/-

(Goutam Bhaduri)

JUDGE