

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 905 of 2017

- Ganesh Das Mahant S/o Late Shri Jagul Das Aged About 50 Years
R/o Village- Tarda, Police Station- Urga, Civil & Revenue District-
Korba, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station-
Urga, District Korba, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Dharmesh Shrivastava, Advocate
For the Respondent	: Mr. Anil S. Pandey, Govt. Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

27.02.2017

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.89 of 2016 registered at Police Station Urga, Distt. Korba (C.G) for the offence punishable under Sections 302, 109 read with Section 302 of IPC (charge sheet filed u/s 302, 120-B, 201 IPC).
2. As per the prosecution case, a report was made by the mother of deceased Kamleshwar that on 29.03.2016 while the deceased was coming back to his house, on the way accused Sunil who was relative of deceased has assaulted by way of battle Axe and the present applicant who was also present there abetted and instigated the other accused to commit murder. It is stated that there was back ground of enmity over the rights of property between the deceased family and accused.
3. Learned counsel for the applicant submits that the entire allegations of assault is on co-accused Sunil and only on the basis of statement that the present applicant abetted the

crime, he has been inculpated and no allegation of assault has been attributed to the present applicant. He further submits that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 30.03.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of the mother of deceased who has lodged the report wherein the allegations of assault are mainly attributed to accused Sunil.
6. Taking into the nature of allegations and the evidence available against the applicant, I am inclined to allow this bail application.
7. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE