

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 1863 OF 2017

Munna Gupta S/o Magru Gupta, aged about 22 years, R/o Sharma Colony near Durgesh Kirana Stores, Camp-02, Bhilai, Tehsil and District Durg (CG). (Name of the applicant is not mentioned in the cause title of the rejection order, but the later part of order sheet reflects about filing bail application by this applicant).

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Chhawani, District Durg (CG).

... Respondent

For Applicant	:	Shri CR Sahu, Advocate.
For Respondent-State	:	Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/10/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 08.06.2016 in connection with Crime No. 353 of 2016 registered at Police Station Chhawani, Distt. Durg, for the offence punishable under Section 304-B/34 of IPC in alternate U/s 306/34 IPC.
2. Learned Counsel for Applicant submits that the Applicant is in jail since 08.06.2016 for about more than 15 months and that in between the material witnesses have been examined and all of them have turned hostile including the parents of the deceased, and therefore he may be enlarged on bail. He further submits that co-accused in the instant case i.e. father and brother of the present applicant have already been released on bail by this court in MCRC

Nos. 7459 of 2016 and 528 of 2017, decided on 29.11.2016 and 06.02.2017 respectively.

3. The aforesaid facts submitted by the applicant is not disputed by the State counsel on verifying the documents produced by the applicant particularly the deposition of material witnesses.
4. Without commenting on merits, considering the totality of the facts and circumstances of the case and taking into account the period of custody undergone and the fact that material witness have not supported the case of the prosecution, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
5. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge