

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.218 of 2018

Tikeshwar Sahu, aged about 18 years, S/o Shri Sita Ram Sahu, R/o Daldal Sivni, Shivaji Nagar, Near Kewal Kirana Stores, Police Station Pandari, Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, through the Station House Officer, Police Station Pandari Mowa, Distt. Raipur (C.G.) (As per Challan)

---- Non-applicant

For Applicant:	Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant:	Mr. Dilman Rati Minj, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/03/2018

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.299/2017, registered at Police Station Pandari Mowa, Raipur, for the offence punishable under Sections 307, 294, 323, 506, 147, 148 read with Section 149 of the IPC.
2. Case of the prosecution, in brief, is that on 30-9-2017 on Dashera festival, the applicant along with seven persons assaulted complainants Lakki Yadav, Jeetram Dhiwar and Hirawan Dhruv by which they suffered grievous injuries which were sufficient to cause their death, and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, even in the dying declaration of Jeetram Dhiwar and Hirawan Dhruv, the applicant has not been named and even in the FIR also he

has not been named. The applicant is in custody since 1-10-2017 and charge-sheet has been filed. No useful purpose will be served by keeping the applicant in jail and no seizure has been effected from the applicant.

4. On the other hand, learned State counsel opposes the application and submits that the applicant is active participant and he was present on the spot which is apparent from the statements of Bhupendra Sahu and Raja @ Tikeshwar.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, considering the fact that the applicant has not been named in the dying declaration of Jeetram Dhiwar and Hirawan Dhruv and he has not been named in the FIR, charge-sheet has been filed and no custodial detention of the applicant is further required, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge