

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4428 of 2018**

Abhishek Pandey, Aged 19 years, S/o:- Avadhesh Pandey, caste – Bramhin,
R/o: Village – Pendra, Ward No. 12, Bhuthapara, P.S. & Tahsil – Pendra,
District – Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : P.S. - Pendra, District Bilaspur (C.G.)

---- Non-applicant**And****M.Cr.C. No. 4432 of 2018**

Avadhesh Pandey, Aged 50 years, S/o:- Mahesh Pandey, Caste- Bramhin,
R/o:- Village – Pendra, Ward No. 12, Near Bhuthapara Talab, P.S. & Tahsil –
Pendra, District Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : P.S. - Pendra, District Bilaspur (C.G.)

---- Non-applicant

For Applicants : Mr. Hemant Gupta, Advocate.
For Non-applicant/State : Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/07/2018**

(1) Above mentioned two bail applications filed under Section 439 of the Code of Criminal Procedure arise out of a common Crime No.52/2018, registered at Police Station Pendra, District Bilaspur (C.G.), for the offence punishable under Sections 302, 120-B, 201 & 34 of the Indian Penal Code , therefore, they are being heard

analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that applicant Avadhesh Pandey caused chest blow to Vikash Pandey, by which he suffered grievous injuries and succumbed to the injuries and another accused/appellant Abhishek Pandey taken him to the Hospital alongwith applicant Avadhesh Pandey and thereby committed the aforesaid offences.

(3) Counsel for the applicants would submit that there is no role of accused/applicant Abhishek Pandey except taking the deceased to the Hospital along with accused Avadhesh Pandey. He submits that the applicants are in detention since 18.02.2018 and the charge sheet has already been filed and the trial is likely to take some time for its final disposal and, therefore, the applicants are entitled to be released on bail.

(4) On the other hand, Counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties.

(6) Considering the fact that there is direct allegation of causing chest blow to deceased Vikash Pandey, as a result of which he died, is against the applicant namely Avadhesh Pandey, I am not inclined to release applicant Avadhesh Pandey on bail. Therefore, the bail application with regard to accused/applicant Avadhesh Pandey is rejected.

(7) However, taking into consideration the nature and gravity of the offence, facts & circumstances of the case and the role of applicant Abhishek Pandey in the crime in question; further considering the fact that he is in detention since 18.02.2018 and the trial is likely to take some time for its disposal; this court is of the view that it is a fit

case to release the applicant in M.Cr.C. No. 4428/2018 on bail. Accordingly, the application is allowed.

(8) Accused/applicant – **Abhishek Pandey** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

