

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5169 of 2018

Abhilash @ Bobby S/o Shri Shrawan Kumar, Aged About 26 Years R/o Sector - 1, Shankar Nagar, In Front Of Bal Udyan, Police Station Civil Lines, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Mandir Hasaud, District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pushpendra K. Patel, Advocate
For Respondent	:	Mr. Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.93/2018, registered at Police Station- Mandir Hasaud, District – Raipur (C.G.) for the offence punishable under Section 302, 307 & 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 19.03.2018. No case is made out against him according to the material present in the charge-sheet. The applicant was simply in company of the co-accused persons, who have assaulted the deceased and the injured person with knife in which the applicant has played no role. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

It is submitted that the applicant has acted in furtherance of common intention in assaulting the deceased and injured by co-accused persons. Hence, no case is made out for grant of bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. On the date of incident, the car in which the applicant and co-accused persons were travelling was over taken by the two motor cycle rides, this applicant then over took the motor cycle and stopped the motor cycle rider Tuhin Malik, the deceased and driver of the motor cycle was assaulted with hands and fists by this applicant and in the meanwhile two accused persons took out a knife and assaulted the deceased Tuhin Malik on his right thigh causing fatal injuries which resulted in his death and another injured Alankar Pal was also assaulted with the same knife. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present on record and the fact that prima-facie there is continuous presence and support by this applicant to the other co-accused person, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge