

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3893 of 2019**

Anurag Awasthi S/o Late Shri Shivsahay Awasthi Aged About 27 Years R/o Village - Masturi, Police Station Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashutosh Trivedi, Advocate.
For the Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.448 of 2018, registered at Police Station – Masturi, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 147, 148, 294, 506, 323, 324 and 307 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 30.9.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Similarly placed three of the co-accused persons

have been granted regular bail by the Coordinate Bench of this Court and one co-accused has been granted bail by the Supreme Court. There is neither any overt act attributed nor any seizure has been made. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. It is alleged that on the date of incident because of some dispute, this applicant and the other co-accused persons were quarreling with victim – Vinod Sarthi and during that incident the victim was hit by an iron rod which resulted in head injury. Hence, this case.

6. After considering the evidence that is proposed against the applicant for his prosecution and also taking into consideration the fact that similarly placed co-accused persons are on bail, therefore, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when

directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)

Judge