

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5913 of 2020

1. Raghunath Kamal S/o Ramcharan Kamal Aged About 40 Years R/o Village Jara, Police Station Palari, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Gulshan Kamal S/o Ramcharan Kamal Aged About 24 Years R/o Village Jara, Police Station Palari, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Palari, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/10/2020

Heard.

1. The applicants are arrested in connection with Crime No.313/2020 registered in Police Station -Palari, District -Balodabazar-Bhatapara (CG) for alleged commission of offence under Sections 294, 323, 307 read with Section 34 IPC.
2. At the outset, learned counsel for the applicant seeks to withdraw bail application of applicant- Raghunath Kamal, at this stage.
3. Accordingly, bail application of Applicant No.1- **Raghunath Kamal** is dismissed as withdrawn.
4. Case of the prosecution, as far as present applicant- Gulshan Kamal is

concerned, is that on the date of incident applicant along with other co-accused assaulted the victim and in that incident, one of the co-accused gave stab injury on the vital part of the body of the victim and it is alleged that all the accused shared common intention to cause death.

5. Learned counsel for applicant would submit that as far as present applicant- Gulshan Kamal is concerned, the FIR and other material on record, even as per the version of the victim, do not make out any prima facie case of applicant sharing intention to cause death of the deceased because the accused who came later on with knife assaulted the victim and in this act, the applicant did not play any role. He further submits that investigation is complete and charge sheet has been filed, therefore, applicant- Gulshan Kamal may be granted bail.
6. On the other hand, learned counsel for the State opposed the bail application by submitting that in a dispute arose between two groups, applicant- Gulshan Kamal along with other accused went to victim and in that incident of *marpit*, co-accused took out and used knife to give stab injury on the back, therefore, there is involvement of applicant- Gulshan Kamal also in sharing common intention to cause death.
7. Taking into consideration the submissions made by learned counsel for the parties, considering that initially when a dispute arose between the present applicant and the victim, the applicant is alleged to have used hands and fist and he was not holding any weapon and the arrival of co-accused is at a later point of time, there being no specific allegation of further criminal overt act to facilitate assault by knife, as far as applicant- Gulshan Kamal is concerned, in the considered opinion of this Court, present is a fit case for grant of bail.
8. The application is accordingly allowed. It is directed that applicant- **Gulshan Kamal** shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen