

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 28/07/2021Order delivered on 17/08/2021MCRC No. 4044 of 2021

- Gokul Nayak S/o Late Shri Pardeshi Nayak Aged About 24 Years R/o Chandrashekhar Nagar, P. S. Pandri District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Pandri District Raipur Chhattisgarh

---- Respondent

For Applicant Mr. Devershi Thakur, Advocate

For Respondent /State Mr. Sudeep Agrawal, Dy.A.G.

(Proceedings through Video Conferencing)Hon'ble Mr. Prashant Kumar Mishra, Ag.CJCAV Order

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.169/2020, registered at Police Station Pandri District Raipur C.G. for the offence punishable under Sections 341, 148, 149, 294, 323, 325, 506, 302 of the Indian Penal Code and Sections 25 & 27 of the Arms Act.
3. The present applicant and co-accused Mohan Soni, Dilip Bagh @ Gajni, Ritik Dhruv, Ritesh Patore (Juvenile) have committed murder of Amit Gain at about 9:00 pm on

25.10.2020.

4. As per the prosecution case, injured Vinod Batra had gone along with his friends Chaitram Sahu and Raunak Sharma to meet Shubham at Trimurti Nagar. On finding that Shubham is not available in the house they were returning to Pandri Tarai through Mandi Chowk where this applicant was standing on the road in an inebriated condition. When the above persons were overtaking the applicant, he stopped them and removed the key of Aactiva scooty and started filthily abusing Vinod Batra, Chaitram Sahu and Raunak Sharma. The applicant called his friends/ co-accused who came over the place and assaulted Vinod Batra over his head seeing which Chaitram Sahu and Raunak Sharma ran away. Vinod Batra informed the incident to one Bheemjagat on which Bheemjagat, Amit Gain (deceased), Sourabh Gain and Sanjay Gain reached Mandi Chowk and soon after their arrival accused Mohan Soni, Ritesh Patare (Juvenile) and Dilip Bagh caught hold of the deceased and thereafter the accused Ashwini @ Badal Manikpuri (since deceased) and Ritik Dhruv attacked the deceased by knife over his abdomen and right thigh. Other accused assaulted him by hand and fist. Dilip Bagh @ Gajni assaulted witness Bheemjagat by throwing a brick whereas Mohan Soni assaulted Vinod Batra by club.
5. Learned State counsel would oppose the prayer for grant of bail.

6. In the entire prosecution case there is no allegation that this applicant participated in assaulting the deceased or the injured Vinod Batra. He was involved in the first part of the incident concerning dispute while they were driving and passing through Mandi Chowk on Aactiva Scooty. In the second part of the incident when this applicant called the other accused persons at the place of occurrence, there is no allegation that he also took part in the assault.
7. Considering the entire fact situation of the case; particularly considering the fact that this applicant has not assaulted the deceased; as also for the reason that he is in jail since 14.1.2021 i.e. more than seven months; and the charge sheet has already been filed, this Court is inclined to release the applicant on bail.
8. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified Copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Ayushi