

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through video conferencing****MCRC No. 4485 of 2021**

1. Deepak Kumar Pandey @ China Pandey S/o Late Rakesh Pandey Aged About 32 Years R/o Purani Basti, Korba, Thana - Kotwali, Korba, District - Korba (Chhattisgarh).

---- Applicant**Versus**

1. State of Chhattisgarh Through: Police Station - Bankimongra, District - Korba (Chhattisgarh).

---- Respondent

For Applicant - Shri Sachin Singh Rajput, Advocate.
For Respondent/State - Shri Vikram Sharma, Dy. Government Advocate.

Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice
Order on Board**18-08-2021**

1. Heard.
2. The applicant has preferred the first bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.60/2020, registered at Police Station – Banki Mongra, District – Korba (C.G.) for the offence punishable under Sections 294, 147, 149, 188, 307 of the Indian Penal Code and 25, 27 of the Arms Act.
3. Applicant and co-accused Dharam Singh Rajput, Parmeshwar Sarthi, Shubham Kewat alias Golu, Ramlal Kewat and Naveen Kashyap have forcibly entered the house of the complainant namely Rajkumar Sahu, assaulted him and thereafter accused Dharam Singh, with a sword in his hand, chased him and his brother and fired on him by country made revolver, which hit the door of the house.

4. Learned counsel for the applicant would submit that the applicant was neither present at the time of incident nor any recovery has been made from him, therefore, he is entitled to be released on bail.
5. Learned State counsel would oppose the prayer for grant of bail.
6. Albeit, there are seventeen criminal cases registered against the applicant, but the fact remains that, in the present case, the applicant was not present on the spot. The only allegation against him, as revealed by the co-accused persons in their memorandum statement, is that the country made revolver used for firing gun-shot was provided by this applicant.
7. Considering the entire facts situation of the case, particularly considering the evidence available against the present applicant, as also for the fact that the applicant is in detention since 05-02-2021 and the charge sheet has already been filed, I am of the opinion that the present is a fit case to release the applicant on regular bail.
8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his 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.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri