

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6085 of 2021

1. Rupesh @ Rakku Chowbey S/o Rajendra Chowbey Aged About 19 Years R/o Shyam Nagar, Lingiyadih, Sarkanda, Police Station- Sarkanda, District- Bilaspur Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	Mr. H.B. Agrawal, Sr. Advocate with Ms Richa Dwivedi, Advocate
For Respondent /State	Mr. Gagan Tiwari, Dy. Govt. Advocate

Order on BoardByPrashant Kumar Mishra, Ag. CJ17/9/2021

1. Heard.
2. The applicant has preferred this ***third bail application*** under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.845/2019, registered at Police Station Sarkanda, District Bilaspur (CG), for the offence under Sections 294, 323, 506-B, 302

& 307 of the Indian Penal Code and Sections 25 & 27 of the Arms Act.

3. Earlier bail applications were dismissed on merits, however, since the co-accused persons have already been released on bail, this bail application was admitted for hearing.
4. According to the prosecution case, a dispute arose between two groups at the time of Lord Ganesh immersion on 16-9-2019. The accused persons assaulted the deceased by means of club, wooden plank and sword. Injured Rinku Gupta subsequently died in course of treatment.
5. Admittedly, co-accused Raja Mende @ Rishabh Mende has been released on bail in MCrC No.331 of 2021 whereas co-accused Kaushal Yadav, Montu Yadav Alias Satish Yadav & Mohan Yadav Alias Prahlad Yadav released on bail in MCrC No.975 of 2021 and Somu Sonkar Alias Ankit Gole released on bail in MCrC No.2512 of 2021.
6. Learned counsel for the State would submit that the allegation against the accused persons are more or less similar
7. Considering the entire facts situation of the case; as also for the fact that the applicant is in jail since 30-9-2019; and further considering the fact that the co-accused persons have already been released on bail, I am of the opinion that 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 executing a personal bond for a sum of Rs.50,000/- with one surety in 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.
9. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri