

(2019) 10 CHH CK 0159

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 3992, 4858 Of 2019

Agashti Harpaal And Ors

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 21-10-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 307

Citation : (2019) 10 CHH CK 0159

Hon'ble Judges : Rajani Dubey, J

Bench : Single Bench

Advocate : Sunil Verma, Sunita Sahu, Akhtar Hussain

Final Decision : Allowed

Judgement

Rajani Dubey, J

1. As both the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.

2. The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular

bail during trial in connection with Crime No.306/2019 registered at Police Station - Civil Line, Raipur, District Raipur (C.G.) for the offence

punishable under Sections 307, 34 of the IPC.

3. It is the case of the prosecution that the applicants on the call of main accused Himanshu caught hold the neck of Mayank to whom accused

Himanshu stabbed knife in his stomach.

4. Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question on the basis of previous enmity.

They submit that as the applicant-Gopal Deep is in custody since 3.6.2019 and applicant Agashti Harpaal is in custody since 6.5.3029 and the trial is likely to take some time for its final disposal, they may be released on bail.

5. On the other hand, counsel for the State opposes the bail application.

6. Considering the facts and circumstances of the case, in particular, the nature of allegations against the applicants and that both the applicants are in jail since June 2016, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the applications filed under Section 439 Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them

furnishing a personal bond in sum of Rs.25,000/- with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance

before the said Court as and when directed till the disposal of the trial.

8. Certified copy, as per rules.