NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No. 3459 OF 2015

Motilal @ Pappu S/o Dhannuram Kosale, Aged about 28 years, R/o House No. 354, Atal Awas, Adarsh Chouk, Kabir Nagar, P.S. Kabir Nagar, Raipur (C.G.)

---Applicant

Versus

State of Chhattisgarh Through P.S. Sejbahar, District Raipur (C.G.)

---Non-applicant

For Applicant	:	Ms. Kiran Jain, Advocate
For Non-applicant	:	Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

25/08/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 27/2015, registered at Police Station Sejbahar, District Raipur (C.G.), for the offence punishable under Sections 307, 394 of I.P.C.

2. Case of the prosecution, in brief, is that, on 05/03/2015 applicant robbed complainant's Samsung Tablet and also caused grievous injury to him which was sufficient to cause death and thereby committed offence.

3. Learned counsel for the applicant would submit that victim was discharged on 05/03/2015 itself but FIR has been lodged on 11/03/2015, in fact injured and applicant both are friend. He would further submit that applicant has been falsely implicated on account of trivial dispute. He would lastly submit that charge sheet has been filed and applicant is in jail since

12/03/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; extent of delay in lodging FIR; charge sheet has already been filed and pretrial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari