

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4206 of 2015**

1. Surajdev Gupta son of Shivnarayan Sao, aged about 50 years,
2. Sanjay Gupta son of Surajdev Gupta, aged about 28 years,

Both are resident of Village-Durti, Police Station & Tahsil-Pratappur,
District Surajpur (CG)

---Applicants

Versus

State of Chhattisgarh Through : Station House Officer, Police Station-
Pratappur, District-Surajpur (CG)

---Non-applicant

And**M.Cr.C.No.4207 of 2015**

Mahesh Prasad Gupta son of Shivnarayan Sao, aged about 38 years,
Caste-Sodhi, resident of Village-Durti, Police Station & Tahsil-
Pratappur, District-Surajpur (CG)

---Applicants

Versus

State of Chhattisgarh Through : Station House Officer, Police Station-
Pratappur, District-Surajpur (CG)

---Non-applicant

For Applicants	:	Mr. D.N.Prajapati, Advocate
For Non-applicant	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/08/2015**

1. Since the aforesaid two bail applications have been filed against the same crime number i.e. Crime No.147/2015, they are being disposed of by this common order.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.147/2015, registered at Police Station-Pratappur, District-Surajpur (C.G.), for the offence punishable under Sections 294, 506B and 307/34 of the IPC.

3. Case of the prosecution, in brief, is that the present applicants have allegedly assaulted Prabhu Gupta and Hariom Gupta by axe and stick on 1.7.2015 by which they suffered grievous injuries, which were sufficient to cause their death and thereby committed the aforesaid offence.

4. Learned counsel for the applicants would submit that applicants have not committed any offence and they have falsely implicated in this case. He would further submit that the applicants have also lodged F.I.R. in Crime No.146/2015 at Police Station-Surajpur against the injured and offence under Sections 294, 506B and 334 of the IPC has been registered against them. The Injured were aggressors. He would also submit that the applicants are in jail since 2.7.2015, charge-sheet has already been filed, the applicants are also suffered injuries, which were simple in nature and therefore, they may be released on bail.

5. On the other hand, learned counsel for the State would oppose the bail applications.

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

7. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; injuries suffered by the applicants and also taking note of the fact that counter-case has also been registered against the injured party, their pre-trial detention and

the fact that charge-sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. It is directed that applicants **Surajdev Gupta, Sanjay Gupta** and **Mahesh Prasad Gupta** shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-