

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4378 of 2015**

Hiralal, S/o. Sukhdev Singh, aged about 40 years, Caste-Gond, R/o Village-Surta, P.S. & Tehsil-Ramanujnagar, Revenue & Civil District-Surajpur (CG)

---Applicant

Versus

State of Chhattisgarh, through, Station House Officer, Ramanujnagr, Revenue & Civil District-Surajpur (CG)

---Non-applicant

For Applicant	:	Mr. Sarfaraz Khan, Advocate
For Non-applicant	:	Mr. O.P.Sahu, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

31/08/2015

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.117/2014, registered at Police Station-Ramanujnagar, District-Surajpur (C.G.), for the offence punishable under Sections 147, 148, 149, 294, 307 and 302 of the IPC.

2. Case of the prosecution, in brief, is that the present applicant along with other nine co-accused persons has assaulted Sunder Yadav on 11.7.2014 aged about 70 years and as a result of which, he died and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that upon the evidence allegedly brought on record during the trial he was added in the charge-sheet. He would also submit that other co-accused persons namely Budhiyaro and Kayaso have been released on bail, the applicant is in jail since 3.8.2015 and the charge-sheet has

been filed, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submits that it is the applicant who assaulted by sword.

5. Learned counsel for the applicant would submit that even sword has not been recovered by the police and filed before the Court.

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, material available on record, role of the present applicant, he is in jail since 3.8.2015 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 applicant should be enlarged on regular bail.

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

9. 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.

10. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-