

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3396 of 2015

- Santru @ Shrikant Baghel S/o Sanjay Baghel Aged About 21 years R/o Station Para, Thana Kotwali, Distt. Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Kotwali, Distt. Rajnandgaon Chhattisgarh.

---- Non-Applicant

And

MCRC No. 3398 of 2015

- Nitin Sontake, S/o. Late Sanjay Sontake, aged about 20 years, R/o. Station Para, Ward No.13, Thana Kotwali, Distt. Rajnandgaon (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Kotwali, Distt. Rajnandgaon Chhattisgarh.

---- Non- applicant

For Applicant: Shri Samir Singh, Advocate.
For Non-Applicant/State: Shri Siddharth Rathore, Dy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/07/2015

(1) Above mentioned two bail applications filed under Section 439 of the Code of Criminal Procedure arise out of a common Crime No.240/2015 (wrongly mentioned in order sheet as 420/12) registered at Police Station Kotwali, Distt. Rajnandgaon, for the offence punishable under Section 307/34 of the Indian Penal Code , therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that, applicants are alleged to have assaulted injured/complainant – Shankar Nayak, by which, he suffered grievous injuries, which were sufficient to cause his death and thereby committed the aforesaid offence.

(3) Learned counsel for the applicants submits that the applicants have not committed any offence and on account of previous enmity between complainant & applicants, they have falsely been implicated in the offence in question; injuries suffered by the complainant are simple in nature; applicants are in jail 31.03.2015; and the charge sheet has already been filed and, therefore, they may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; considering the role of the present applicants in the offence in question; further considering their pre-trial detention; and the

fact that charge sheet has already been filed; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the bail applications are allowed.

(6) Accused/applicants namely **Santru @ Shrikant Baghel & Nitin Sontake** are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-