

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. NO. 3029 OF 2015**

1. Shatruhan Nishad S/o Late Chhabinath Nishad aged about 54 years
 2. Dinesh Nishad S/o Shatruhan Nishad aged about 28 years
 3. Narendra Nishad S/o Shatruhan Nishad aged about 24 years
- All R/o village Achholi, Near Gandhi Chowk Post Office Raipur, Police Station Urla, Tahsil and District Raipur (C.G.)

---Applicants**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Urla, Raipur, District Raipur (C.G.)

---Non-applicant

For Applicants	:	Mr. Shivendu Pandya, Advocate
For Non-applicant	:	Ms. Madhu Nisha Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/07/2015**

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 applicants who have been arrested in connection with Crime No. 75/2015, registered at Police Station Urla, Distt. Raipur (C.G.), for the offence punishable under Section 307/34 of I.P.C.
2. Case of the prosecution, in brief, is that, applicants and one other co-accused have assaulted the complainant- Rahul Mourya by wooden stick and Axe, by which, he suffered grievous injury, which is sufficient to cause death.
3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the case.

He would further submit that injury was simple in nature. He would lastly submit that applicants are in jail since 06/04/2015, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

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; role of the present applicants in offence in question; nature of injury and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Shatruhan Nishad, Dinesh Nishad and Narendra Nishad, shall be released on bail on their 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.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE