

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3032 of 2015**

Gurudev Singh S/o Late Devendra Singh Aged About 47 years
R/o Sector-4, Road No.-5, Bhilai Nagar, P.S.- Bhilai Bhatti,
Tahsil & District- Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station Jamul, Durg,
District- Durg, Chhattisgarh

---- Respondent

For Applicant: Shri Rakesh Kumar Jha, Advocate.
For Respondent/State: Shri Anupam Dubey, Deputy Govt. Advocate

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

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 406/2014 registered at Police Station Jamul, Durg, District Durg for the offences punishable under Sections 294, 506, 323 & 307 read with Section 34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant & three co-accused persons said to have caused grievous injuries to complainant/injured -Anit Singh, which was sufficient to cause his

death and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and he has falsely been implicated in the crime in question; the injuries suffered by the victim are simple in nature; applicant is the Vice President of Bhilai Truck Malik Association; and in the complaint filed by the Office bearer of the Bhilai Truck Malik Association, FIR No.405/2014 for the offences punishable under Sections 294, 506 & 323/34 IPC against the victim-Anil Singh and, thereafter, on the same day as a counter blast, FIR No. 406/2014 came to be lodged and the offence under Section 307 IPC has been inserted at the time of filing of challan. He further submits that applicant is in jail since 13.02.2015; and looking to the fact that complainant is aggressor; applicant is entitled to be released on bail.

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

(5) Taking into consideration the facts & circumstances of the case; and looking to the nature & gravity of the offence; and considering the facts that counter FIR 406/2014 has been registered against the injured persons in the complaint filed by the Office Bearer of the Bhilai Truck Malik Association; considering his detention period; and the charge sheet has already been filed against the applicant; this court is of the view that it is a fit case to release the applicant on bail. Accordingly,

the application is allowed.

(6) Accused/applicant is directed to be released on bail on his 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. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-