

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3534 of 2015

Lallu @ Akhilesh, S/o Kameshwar Sharma, aged about 31 years, R/o Subhash Market Zone-2, Khursipar, Bhilai, Police Station Khursipar, District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Khursipar, District Durg (C.G.)

---- Non-applicant

For Applicant:	Mr. Purnendra Khichariya, Advocate.
For Non-applicant:	Mr. Qamrul Aziz, Panel Lawyer.

ANDMisc. Criminal Case No.3678 of 2015

Nilanchal Sahu, aged about 30 years, S/o Vrindavan Sahu, R/o Zone-3, Priyadarshini Market, Near Ganesh Market, Khursipar, P.S. Khursipar, District Durg (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through P.S. Khursipar, District Durg (C.G.)

---- Non-applicant

For Applicant:	Mr. Maneesh Sharma, Advocate.
For Non-applicant:	Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/08/2015

1. Since both the applications are arising out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular

bail during trial in connection with Crime No.336/2014 (Criminal Case No.32/2015 pending in the Court of Judicial Magistrate First Class, Durg), registered at Police Station Khursipar, Distt. Durg, for the offence punishable under Sections 294, 506-B, 324 and 307 read with Section 34 of the IPC.

3. Case of the prosecution, in brief, is that the present applicants along with two other co-accused assaulted complainant Jitendra by knife due to which he sustained grievous injuries which were sufficient to cause death.
4. Learned counsel for the applicants submit that the applicants have not committed any offence and they have been falsely implicated in the case. Nature of injuries is simple. Co-accused K. Jaganath (Jaya), who is similarly situated, has already been released on bail vide order dated 30-3-2015 passed by this Court in M.Cr.C.No.1374/2015 and as such, co-accused Pitambar has assaulted the complainant and the present applicants have not assaulted. Applicant Lallu @ Akhilesh is in jail since 6-10-2014 and applicant Nilanchal Sahu is in jail since 16-6-2015.
5. Mr. Purnendra Khichariya, learned counsel appearing for applicant Lallu @ Akhilesh, further submits that in all three cases which are said to be criminal antecedents of applicant Lallu @ Akhilesh, he has already been acquitted.
6. On the other hand, learned State counsel opposes the bail applications.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicants, nature of injuries, pre-trial detention of the applicants and the fact that charge-sheet has already been filed, I am of the opinion that the applicants should be enlarged on regular bail. Accordingly, the applications are allowed.
9. It is, therefore, directed that the applicants 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 Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

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