

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.4492 of 2015**

1. Raja Dhruv, aged about 20 years, S/o Gulshan Dhruv.
2. Sadharam Chandrakar, aged about 34 years, S/o Shri Krishna Chandrakar.

Both are residents of Village Faloud Dhruv Para, Police Station Mandir Hasoud, Civil & Revenue District Raipur.

---- Applicants**Versus**

State of Chhattisgarh, through Police Station Mandir Hasoud,
Civil & Revenue District Raipur.

---- Non-applicant

For Applicant	:	Shri Devershi Thakur, Advocate
For Non-applicant	:	Shri Anupam Dubey, Deputy Government Advocate for the State.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/09/2015****(1)** Heard.

(2) 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.45/2015, registered at Police Station Mandir Hasoud, District Raipur, for the offence punishable under Sections 307, 34 of the Indian Penal Code and Sections 25 & 27 of the Arms Act.

(3) Case of the prosecution, in brief, is that present applicants along with other co-accused persons assaulted complainant Gopi Chaturvedi

by sword/rod, by which, he suffered grievous injury, which was sufficient to cause death.

(4) Learned counsel appearing for the applicant would submit that applicants have not committed any offence and they have been falsely implicated in the offence in question, in fact the complainant has burned out the house of the applicant No.2-Sadhuram Chandrakar and there is such disputes between the parties. He would further submit that nothing has been seized from the possession of applicants. He would lastly submit that charge-sheet has been filed and applicants are in jail since 22.02.2015, therefore, they may be released on bail.

(5) On the other hand, learned counsel for the State would submit that arms and swords have been seized from the possession of present applicants and therefore, they are not entitled for bail.

(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, role of the present applicant in offence in question; pretrial detention of the applicants and charge-sheet has been filed, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

(8) Accordingly, the bail application filed under Section 439 of the CrPC is allowed.

(9) It is directed that applicants namely (1) Raja Dhruv & (2)

Sadhuram Chandrakar shall be released on bail on 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.

(10) Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-