

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Cr. Case No. 4674 OF 2015**

Chain Kumar Sahu @ Chandu, S/o Shri Baldev Prasad Sahu, Aged about 19 years, R/o Behind Pamshwar Kirana Stores, Panchsheel Nagar, Durg, District Durg (C.G.)

---Applicant**Versus**

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

---Non-applicant

For Applicant	:	Mr. Anup Majumdar, Advocate
For Non-applicant	:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/09/2015**

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 applicant who has been arrested in connection with Crime No. 577/2015, registered at Police Station Durg, District Durg (C.G.), for the offence punishable under Sections 294, 506-B, 307, 323, 34 of Indian Penal Code and Sections 25 & 27 of the Arms Act.

2. Case of the prosecution, in brief, is that, on 19/07/2015 present applicant in collusion with five other co-accused persons assaulted Ramu Sahu and Karan Sahu by knife by which they suffered grievous injuries which were sufficient to cause death and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that applicant has not been named in the First Information Report. He would further submit that there is no evidence to connect the applicant in offence in question. He would further submit that injuries have been caused by co-accused Sagar Beldar by knife and knife has been recovered from him and only on the memorandum statement, applicant

has been falsely implicated. He would further submit that injuries caused to the complainants were simple in nature. He would lastly submit that applicant is in jail since 21/07/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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 applicant in offence in question; applicant has not been named in the First Information Report; nature of injury and applicant is in jail since 21/07/2015, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE