

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4907 OF 2015**

Deepak Shukla S/o Chandrabhan Shukla aged about 21 years r/o Quarter No. 8/A Sector 6 Bhilai Nagar Durg Civil and Revenue District Durg (CG).

---Applicant**Versus**

State of Chhattisgarh, Through the Police Station Khurshipar District Durg (CG)

---Non-applicant

For Applicant	:	Mr. A.N. Pandey, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****21/09/2015**

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. 406/2014, registered at Police Station Khurshipar, District Durg (CG), for the offence punishable under Section 307/34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that on 22/11/2014 applicant and other co-accused assaulted Nilesh Rao by knife, by which, he suffered grievous injuries, which was sufficient to cause his death and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit applicant has not committed any offence and has been falsely implicated in the offence in question. He would further submit that injuries suffered by the victim are simple in nature and he remained hospitalized only for seven days. He would

further submit that no recovery has been made from the present applicant and knife has been recovered from the possession of co-accused Pitamber. He would lastly submit that charge sheet has been filed and applicant is in jail since 13/08/2015, 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; recovery of knife from the possession of co-accused Pitamber; charge sheet has already been filed and pretrial detention of the applicant from 13/08/2015, 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 concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE