

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 5468 OF 2015**

1. Mohan Sahu S/o Shri Shatruhan Sahu aged about 27 years
2. Khamhan Sahu S/o Shri Shatruhan Sahu aged about 22 years
3. Sen Kumar @ Buttu Sahu S/o Shri Shatruhan Sahu aged about 20 years

All are R/o village Riwapar Police Station City Kotwali Mungeli District Mungeli (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through Station House Officer Police Station City Kotwali Mungeli District Mungeli (C.G.)

---Non-applicant

For Applicants : Mr. B.P. Sharma and Mr. C.K. Sahu, Advocates
 For Non-applicant: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/10/2015**

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 applicants who have been arrested in connection with Crime No. 316/2015, registered at Police Station City Kotwali Mungeli District Mungeli (C.G.), for the offence punishable under Sections 294, 506B, 323, 325, 307/34 of IPC.
2. Case of the prosecution, in brief, is that, on 13/07/2015 applicants and other three co-accused persons assaulted Dilpa Sahu, Kamal Sahu and Rajmati Sahu by wooden stick, by which, they suffered grievous injuries

which was sufficient to cause death.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the offence in question. He would further submit that dispute arose between the parties with regard to Medth in their filed and injuries received by the victims are simple in nature. He would lastly submit that charge sheet has been filed and applicants are in jail since 14/07/2015, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that applicants caused injury on the head of Dilpa Sahu by dangerous weapon.

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

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Mohan Sahu, Khamhan Sahu and Sen Kumar @ Buttu Sahu, shall 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 trial Court, for their appearance as and when

directed.

9. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

Tiwari