

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5481 OF 2015**

1. Raju Chouhan S/o Shri Santram Chouhan aged about 49 years
2. Bajrang Chouhan S/o Shri Santram Chouhan aged about 35 years
3. Kamal Chouhan S/o Shri Santram Chouhan aged about 31 years All Caste Ganda and all R/o Ward No.14 Sarangarh P/s. and Tahsil Sarangarh Civil and Revenue District Raigarh (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through S.H.O. of Police Station Sarangarh Raigarh (C.G.)

---Non-applicant

For Applicants	:	Mr. Abhishek Saraf, Advocate
For Non-applicant	:	Mr. Arvind Dubey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/10/2015**

1. Learned counsel for the applicants seeks permission of this Court to withdraw the instant bail application with regard to applicant No.2- Bajrang Chouhan.
2. Permission granted.
3. Accordingly, the bail application is dismissed as withdrawn with regard to applicant No.2- Bajrang Chouhan.
4. Heard on the application for regular bail with regard to the applicants No.1 & 3 i.e. Raju Chouhan & Kamal Chouhan.
5. The applicants No.1 & 3 have moved this application under Section 439 of the Cr.P.C. for grant of regular bail who have been arrested in

connection with Crime No. 353/2015, registered at Police Station Sarangarh District Raigarh, CG, for the offence punishable under Sections 147, 294, 506, 323, 307/34 of Indian Penal Code.

6. Case of the prosecution, in brief, is that presents applicants have assaulted Rahul and Pallavi Chouhan on 14/08/2015, by which, they suffered grievous injuries, which were sufficient to cause their death.

7. Learned counsel for the applicants No. 1 & 3 would submit that they are not committed any offence and have been falsely implicated in the offence in question. He would further submit that injuries suffered by the victims are simple in nature. He would lastly submit that charge sheet is yet to be filed and applicants No.1 & 3 are in jail since 07/09/2015, therefore, they are entitled to be released on regular bail.

8. On the other hand, learned counsel for the State would oppose the prayer for grant of regular bail.

9. I have heard the counsel appearing for the parties and perused the case diary.

10. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants No.1 & 3; nature of injuries and pretrial detention of the applicants No.1 & 3, this Court is of the opinion that present is the fit case, in which, the applicants No. 1 & 3 should be enlarged on regular bail.

11. Accordingly, the bail application filed on behalf of the applicants No.1 & 3 under Section 439 of the Cr.P.C. is allowed. It is directed that the applicants No.1 & 3, namely, Raju Chouhan and Kamal Chouhan 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.

12. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari