

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5502 OF 2015**

Awadesh Gupta S/o Kuber Sao aged about 29 years R/o village Lau PS
Rajpur Dist. Balrampur-Ramanujganj (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer Police Station
Rajpur Dist. Balrampur-Ramanujganj (C.G.)

---Non-applicant

For Applicant	:	Mr. Jitendra Shrivastava, Advocate
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 applicant who has been arrested in connection with Crime No. 83/2015, registered at Police Station Rajpur Dist. Balrampur-Ramanujganj (C.G.), for the offence punishable under Sections 341, 147, 148, 149, 294, 506-B, 323 & 307 of I.P.C.

2. Case of the prosecution, in brief, is that on 13/06/2015 applicant and six other co-accused persons abused and threatened the complainant Shrikant and Misrilal and also assaulted them by axe and other dangerous weapons, by which, they suffered grievous injuries which was sufficient to cause death.

3. Learned counsel for the applicant submits that present applicant has not committed any offence and has been falsely implicated in offence in

question. He further submits that injuries are simple in nature and no custodial interrogation is required. He further submits that other co-accused persons have already been released on bail. He lastly submits that charge sheet has been filed and applicant is in jail since 07/07/2015, therefore, the applicant may be released on regular bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that axe has been recovered from hte possession of present applicant.

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

6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant in offence in question, pre-trial detention of the applicant; nature of injury; co-accused persons have already been released on bail and charge-sheet has already been filed, 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. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of **Rs.25,000/-** along with one surety of the like amount to the satisfaction of the trial Court for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE