

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5635 of 2015**

Anand Kumar Sao, S/o Shri Kishori Sao, aged about 29 years, R/o Behind Manik Hotel, Shashtri Nagar, Camp-1, Bhilai, P.S. Chhawani, Civil and Revenue Distt.Durg (CG)

---Applicant

Versus

State of Chhattisgarh, Through-District Magistrate, Civil and Revenue District Distt.Durg (CG)

---Non-applicant

For Applicant	:	Mr. Amiyakant Tiwari, Advocate
For Non-applicant	:	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/10/2015

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.397/2015, registered at Police Station-Chhawani, District-Durg (CG), for the offence punishable under Sections 294, 506, 324, 459 & 307 read with Section 34 of the IPC and Sections 25 & 27 of the Arms Act.

2. Case of the prosecution, in brief, is that the applicant and five other co-accused persons entered into the house of complainant Ram Kumar on 20.7.2014 and caused grievous injury by axe, which was sufficient to cause his death and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that it is co-accused Kishan who has been assaulted the complainant by axe and axe has been recovered from the possession of co-accused Kishan. He would further submit that the applicant neither assaulted the complainant nor any weapon has been seized from his possession. He would lastly submit that charge-sheet has been

filed and the applicant in jail since 22.7.2015, 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, nature and gravity of the offence, role of the present applicant in offence in question, recovery of axe from the possession of co-accused Kishan and the fact that bail was granted to similarly situated co-accused Umesh Kashyap vide order dated 21.9.2015 passed in M.Cr.C.No.4872 of 2015, this Court is of the opinion that present is a 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 his furnishing a personal bond in the sum of ₹ 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

B/-