

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.677 of 2016**

Gudu Ram @ Guru Ram son of Kavru Ram Kumhar, aged about 70 years, resident of Mahuadih, Police Station-Bagicha, District-Jashpur (CCG)

---Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station Bagicha, District-Jashpur (CG)

---Non-applicant

For Applicant	:	Mr. J.K.Saxena, Advocate
For Non-applicant	:	Mr. S.Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/02/2016

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.178/2015, registered at Police Station-Bagicha, District-Jashpur (CG), for the offence punishable under Section 307/34 of the IPC.

2. Case of the prosecution, in brief, is that on 25.9.2015 the applicant and co-accused Buddhdev Paikra assaulted victim Deonarayan, who is blind person, by knife by which he suffered grievous injuries which were sufficient to cause his death.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that it is Buddhdev Paikra who has made assault by knife to the victim by which

he suffered grievous injuries. The applicant is in jail since 28.9.2015 and charge-sheet has already been filed and therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant has caught-hold the victim and co-accused Buddhdev Paikra assaulted by knife. He would further submit that knife has been recovered from the possession of co-accused Bhddhdev Paikra.

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

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of offence; role of the present applicant; recovery of knife from co-accused Buddhdev Paikra, pre-trial detention of the applicant and the fact that charge-sheet has already been filed, 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 the applicant shall be released on bail on his 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-