

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 847 OF 2016**

1. Rupesh S/o Lakhan Sahu aged about 23 years.
2. Punam Chand S/o Ram Sahay Sahu aged about 19 years.

Both R/o Chimagondi Bhagutola, P.S. Kawardha, Dist. Kabirdham (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through Station House Officer,
Kawrdha, Dist. Kabirdham (C.G.)

---Non-applicant

For Applicants	:	Mr. Malay Shrivastava, Advocate
For Non-applicant	:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/03/2016**

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 applicants who have been arrested in connection with Crime No. 401/15, registered at Police Station Kawardha Dist. Kabirdham (C.G.), for the offence

punishable under Sections 147, 148, 149, 294, 506 (B), 323, 307 of the I.P.C.

2. Case of the prosecution, in brief, is that, present applicants and five other co-accused persons assaulted Bhikam Lal and Tikaram by Axe and wooden stick by which they suffered grievous injury 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 crime in question. He would further submit that injuries are simple in nature. He would further submit that in the counter case, bail application has already been allowed. He would lastly submit that applicants are in jail since 23/12/2015, therefore, they may be released on bail.

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

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 present applicants in offence in question; the counter case has been registered in which bail has already been granted; nature of injury and pretrial detention of the

applicants, 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, Rupesh and Punam Chand, 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 concerned trial Court. Applicants shall appear regularly before the Investigating Officer/concerned trial Court.

9. Certified copy as per rules.

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