

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1638 OF 2016**

Sahdev Baiga S/o Panchram Baiga aged about 52 years R/o
village Pondi P.S. Seepat District Bilaspur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through : P.S. Seepat District Bilaspur
(C.G.)

---Non-applicant

For Applicant	:	Mr. Amit Kumar, Advocate
For Non-applicant	:	Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/03/2016**

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 applicant who has been arrested in connection with Crime No. 295/2015, registered at Police Station Seepat, District Bilaspur (C.G.), for the offence punishable under Sections 294, 307/34 of the I.P.C.
2. Case of the prosecution, in brief, is that, on 06/12/2015 applicant alongwith other co-accused person

assaulted his brother Lakheshwar by knife, by which, he suffered grievous injury which was sufficient to cause death.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that victim is his real brother and there is some land dispute between them. He would lastly submit that charge sheet has been filed, 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; further taking into consideration the nature and gravity of offence; dispute between his brother and applicant; charge sheet has already been filed and pretrial detention of the applicant, 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.

8. It is directed that applicant shall be released on bail on 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge