

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1545 of 2016**

1. Kewal Chand aged about 60 years son of Kunju Dewar resident of Dewarpara Abhanpur Police Station Abhanpur Raipur C.G.
2. Bhushanpuri Goswami aged about 42 years son of Shri Thelapur Goswami resident of village Saddu Police Station Vidhan Sabha Tahsil and District Raipur C.G.
3. Golu Chouhan aged about 25 years son of Shri Bhanu Chouhan resident of village Dhansuli Police Station Mandir Hasaud Tahsil and District Raipur C.G.

---Applicants**Versus**

State of Chhattisgarh through Station House Officer P.S.
Abhanpur Civil and Revenue District Raipur C.G.

---Non-applicant

For Applicants	:	Mr. Suresh Tandon, Advocate
For Non-applicant	:	Mr. Vivek Singhal, 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 applicants who have been arrested in connection with Crime No. 333/2015, registered at Police Station Abhanpur District Raipur (C.G.), for the offence

punishable under Sections 147, 148, 149, 452, 323, 307 of I.P.C. & Sections 25, 27 of Arms Act.

2. Case of the prosecution, in brief, is that, on 29/11/2015 applicant alongwith three other co-accused persons assaulted Satya and Sulochan by wooden stick and sword, 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 the case. He would further submit that no injury has been caused by applicants, it is caused by other co-accused person and the injury is simple in nature. He would further submit that no arms have been recovered from the present applicants. He would further submit that charge sheet has been filed and applicants are in jail since 30/11/2015, 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 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, Kewal Chand, Bhushanpuri Goswami and Golu Chouhan 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