

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1846 OF 2016**

Jitendra Sahu aged about 22 years S/o Shri Mant Ram Sahu
R/o Rameshwar Nagar Bhanpuri P.S. Khamtarie Raipur
District (Revenue and Civil) Raipur C.G.

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police
Station Khamtarie Raipur District Raipur C.G.

---Non-applicant

For Applicant	:	Mr. Yogesh Pandey, Advocate
For Non-applicant	:	Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/04/2016**

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. 01/2016, registered at Police Station Khamtarie, District Raipur (C.G.), for the offence punishable under Section 307/34 of the I.P.C. & 25, 27 of Arms Act.

2. Case of the prosecution, in brief, is that, on

31/12/2015 at 10.20 PM applicant and other co-accused persons caused stab injury by knife to victim T. Udday Rao by which he suffered grievous injury which was sufficient to cause death and thereby committed aforesaid offence.

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 applicant has not named in the FIR and no seizure has been made from him. He would further submit that injuries are simple in nature. He would lastly submit that charge sheet has been filed and applicant is in jail since 01/01/2016, 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; role of the applicant; nature of injury; injury said to be caused by knife by other co-accused person and the same was seized from his possession; 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