

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1826 OF 2016**

Kalyan Haldar (wrongly mentioned as Haldhar in the order sheet) @ Bawai S/o Bimal Haldar (Correct name) aged about 20 years R/o Bangla Yard Officers Colony Bangla Yard Police Station Tarbahar Civil and Revenue District Bilaspur C.G.

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate/Station House Officer Police Station Tarbahar District Bilaspur C.G.

---Non-applicant

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, 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. 366/2015, registered at Police Station Tarbahar, District Bilaspur (C.G.), for the offence punishable under Sections 294, 324, 506-B, 324/34, 307/34 of the I.P.C.

2. Case of the prosecution, in brief, is that, on 21/12/2015 applicant and one co-accused abused victim-Vikash Yadav and also caused grievous injury to him, 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 no purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 17/01/2016, 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 caused by other co-accused person; 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