

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1841 OF 2016**

Anirudh Kamde @ Tikka S/o Hemraj Kamde aged about 20 years R/o Shiv Nagar Infront of Durga Mandir Post Office Raipur Police Station Tikrapara Raipur Tahsil and District Raipur C.G.

---Applicant**Versus**

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

---Non-applicant

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Non-applicant	:	Mr. Aditya Sharma, 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. 552/2015, registered at Police Station Tikrapara, District Raipur (C.G.), for the offence punishable under Sections 294, 323/34, 506 & 307 of the I.P.C. & 25/27 of Arms Act.

2. Case of the prosecution, in brief, is that, applicant and other co-accused persons assaulted complainant Surendra Sahu by knife 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 injury was caused by other co-accused person and knife has been seized from the possession of other co-accused person. He would further submit that injuries are simple in nature. He would lastly submit that applicant is in jail since 13/11/2015, 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; defence of the applicant 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