

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 419 of 2016**

Bhujbal Yadav S/o Late Nanka Yadav aged about 56 years Occupation Majduri R/o village Kotarliya P.S. Chakradhar Nagar Tahsil and District Raigarh (C.G.)

---Applicant**Versus**

State of Chhattisgarh through Station Incharge Police Station Chakradhar Nagar District Raigarh (C.G.)

---Non-applicant

For Applicant	: Mr. Anumeh Shrivastava, Advocate
For Non-applicant	: Mr. O.P. Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/02/2016**

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. 139/2015, registered at Police Station Chakradhar Nagar, District Raigarh (C.G.), for the offence punishable under Sections 147, 148, 149, 341,

294, 506B, 323, 307, 435 of IPC.

2. Case of the prosecution, in brief, is that applicant along with seven co-accused persons not only abused but also assaulted complainants/injured-Ashish Goyal, Amit Goyal, Shanker Lal Agrawal and Devendra Sahu, by which, they suffered grievous injuries, which were sufficient to cause their 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 crime in question. He would further submit that on the rash and negligent driving of complainant Amit Goyal, one Manglu had died whereas one Gurucharan has suffered grievous injuries and they were helping them in-fact; and they have not set the said car into fire. He would lastly submit that charge sheet has been filed and applicant is in jail since 04/01/2016, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that one of

the complainants namely Shanker Lal Agrawal has suffered fracture and remained hospitalized for 3-4 days and therefore, the applicant is not entitled to be released on 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 applicant in offence in question; charge sheet has already been filed and applicant is in jail since 04/01/2016, 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

Tiwari