

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.542 of 2016**

Fagulal Sarthi son of Munu Sarthi, aged about 38 years, caste Sarthi, R/o Village Bhanwarpur, P.S. Baramkela, District Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Baramkela, Civil & Revenue District-Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. M.K.Jaiswal, Advocate
For Non-applicant	:	Mrs.Ashtha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17/02/2016

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.103/2015, registered at Police Station-Baramkela, District-Raigarh (CG), for the offence punishable under Sections 147, 452, 294, 506, 427 and 307 of the IPC.

2. Case of the prosecution, in brief, is that on 31.8.2015 the applicant and three co-accused persons assaulted Fulbai, wife of complainant Hariram Sarthi, by which she suffered grievous injuries which were sufficient to cause her death.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that injuries are simple in nature, the applicant is in jail since 3.9.2015, co-accused Awtar Singh, Janki Bai and Munu Sarthi have already been enlarged on bail by

a coordinate Bench of this Court vide order dated 14.12.2015 in M.Cr.C.Nos.6937, 6939 and 6946 of 2015 and only offence under Section 324 of the IPC is made out against the applicant for which he is in for more than five months.

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 & circumstances of the case; further taking into consideration the nature & gravity of offence; nature of injuries; the fact that the applicant is in jail since 3.9.2015; charge-sheet has already been filed and taking note of the fact that bail was granted to other co-accused, this Court is of the opinion that present is a 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 the applicant shall be released on bail on his 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

B/-