

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 739 OF 2016**

1. Sitaram Yadav son of Jagai Yadav aged about 51 years
2. Sanjay Kumar Yadav son of Sitaram Yadav aged about 27 years

Both are resident of village Nawapara Police Chowki
Pandrapath Police Station Bagicha District Jashpur
(Chhattisgarh)

---Applicants**Versus**

State of Chhattisgarh, Through the Incharge Police Chowki
Pandrapath Police Station Bagicha District Jashpur
(Chhattisgarh)

---Non-applicant

For Applicants	: Mr. J.K. Saxena, Advocate
For Non-applicant	: Mr. O.P. Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/02/2016**

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 applicants who have been arrested in connection with Crime No. 195/2015, registered at Police Chowki Pandrapath Police Station Bagicha District Jashpur (C.G.), for the offence punishable

under Section 307/34 of the Indian Penal Code and Section 25 of the Arms Act.

2. Case of the prosecution, in brief, is that, on 26/10/2015 applicants and two other co-accused persons assaulted victim Laxmi and Vindheshwar, by which, they suffered grievous injuries, which was sufficient to cause their death.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in this case. He would further submit that co-accused persons namely Rupchand Yadav and Dayashankar Yadav have already been granted regular bail by Co-ordinate Bench of this Court in M.Cr.C. No.7352 of 2015 vide order dated 05/01/2016. He would lastly submit that charge sheet has been filed and applicants are in jail since 28/10/2015, therefore, they 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; applicant- Sitaram made assault by sharp edged weapon and recovery of the same from him, I am not inclined to release

the applicant No.1- Sitaram Yadav on regular bail. Accordingly, bail application filed on behalf of applicant No.1- Sitaram Yadav is rejected.

7. So far as the bail application filed on behalf of applicant No.2 is concerned, some wooden stick has been recovered from applicant No.2; role of the applicant No.2 in offence in question and his pretrial detention, I am of the opinion that present is the fit case, in which, the applicant No.2 should be enlarged on regular bail.

8. Accordingly, bail application filed on behalf of applicant No.2- Sanjay Kumar Yadav is allowed.

9. It is directed that applicant No.2- Sanjay Kumar Yadav 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.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge