

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1495 of 2016**

Rakesh Agrawal @ Rinku Agrawal, aged about 30 years, son of Bhajan Agrawal, R/o. Gorkha Colony, New Shanti Nagar, near Gourav Provision Store, P.S. Civil Line, Raipur, Tahsil and District Raipur (CG)

---Applicant

Versus

State of Chhattisgarh, through : The Station House Officer, Police Station Civil Line, Raipur, District Raipur (CG)

---Non-applicant

And**M.Cr.C.No.1517 of 2016**

Sudesh Chouhan @ Golu Bungali son of late Deepak Chouhan, aged about 26 years, resident of Gandhi Nagar, near Radha Krishna Mandir, Pandri, Raipur (CG)

---Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station-Civil Line, Raipur, District Raipur (CG)

---Non-applicant

For Applicant	:	Mr.Raghvendra Pradhan, Advocate in M.Cr.C.No.1495 of 2016
For Applicant	:	Mr.Avinash Chand Sahu, Advocate in M.Cr.C.No.1517 of 2016
For Non-applicant	:	Mr. Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/03/2016

1. Since the aforesaid two bail applications are arising out of the same crime number, they are being disposed of by this common order.
2. These are the first bail applications 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.653/2015, registered at Police Station-Civil Lines, Raipur, District-Raipur (CG), for the offence punishable under Sections 307, 148 and 149/34 of the IPC and Section 25 of the Arms Act.

3. Case of the prosecution, in brief, is that on 26.10.2015 the applicants and five other co-accused persons assaulted victim Rajesh Chhatani by deadly weapons by which he suffered grievous injuries which were sufficient to cause his death.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. They would further submit that main assault has been made by co-accused Nitin Sahu, applicant of M.Cr.C.No.1495 of 2016 is in jail since 28.10.2015 and applicant of M.Cr.C.No.1517 of 2016 is in jail since 15.1.2016. Injuries are simple in nature and charge-sheet has already been filed.

5. On the other hand, learned counsel for the State would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicants, their pre-trial detention and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-