

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7424 of 2015

1. Gopal Sahu, S/o. Tulsiram Sahu, aged about 26 years, R/o. Indira Nagar, Thana-Supela, District – Durg (C.G.)
2. Chandrashekhar, S/o. Krishnaram, aged about 30 years, R/o. Sukul Daihan, Bamhani Tola, Trhana – Lalbag, District – Rajnandgaon (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : District Magistrate, Police Station – GRP Bhilai, District – Durg (C.G.)

---- Respondent

For Applicants	: Mr. Samir Singh, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/01/2016

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 No108/2015, registered at Police Station- GRP Bhilai, District – Durg (C.G.) for the offence punishable under Section 294, 323, 324, 506, 307/34 of Indian Penal Code and Section 25 of Arms Act.
2. Case of the prosecution, in brief, is that the complainant, T. Bhaskar Rao while was sleeping in the platform, the applicants alongwith other co-accused Shekhar Gurde went there and demanded Pen and on being refusal made, the applicants got agitated and knife blow was caused by Shekhar, Gurde.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that

the main allegation is attributed to the accused, Shekhar Gurde, who has caused the injury by way of knife. He further submits that the way the incident has happened, it can not be stated that there was a intention to kill the complainant as the applicants were not known to each other. He would further submit that the applicants are in jail since 16.09.2015, therefore, the counsel prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the statement would show that the main allegation of causing knife blow is on Shekhar Gurde. Considering the injury and the medical report and the role played by the applicants, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge