

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 105 of 2017

Purushottam Kumar S/o Shiv Kumar Sahu, aged about 19 Years, R/o Village Sirsa Khurd, Police Station Pulgaon, Out Post Jevra, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through the District Magistrate, Durg, District Durg, Chhattisgarh.

---- Respondent

M. Cr.C. No. 121 of 2017

Mahendra Kumar Sahu S/o Mangalu Ram Sahu, aged about 19 Years R/o Village Sirsa Khurd, Out Post Jevra, Police Station Pulgaon, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through the District Magistrate, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Praveen Dhurandhar, Advocate

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/01/2017

1. Both the cases are being heard together and decided by this common order as both the cases arise out of the same incident.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to both the applicants who have been arrested in connection with Crime No.562/2016, registered at Out Post Jevra-Sirsa, PS Pulgaon, District – Durg (C.G.) for the offence punishable

under Section 307/34 of Indian Penal Code.

3. As per the prosecution case, the present applicants along with other co-accused, over an old enmity, assaulted the complainant Ved Prakash Sahu causing stab injury which was sufficient to cause death.
4. Learned counsel for the applicants submits that the present applicants have been falsely implicated. He submits that as per the complainant, the main allegation causing stab injury is against co-accused Akhilesh and the present applicants were only present at the place of incident. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicants may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail applications.
6. Perused the case diary and the documents.
7. Taking into consideration the statement of the complainant Ved Prakash Sahu where the main allegation of stab injury attributed to the co-accused Akhilesh and also the fact that the charge sheet has been filed, this Court is inclined to release the applicant on bail.
8. Accordingly, both the bail applications filed under Section 439 of Cr.P.C. are allowed.
9. It is directed that the applicants Purushottam Kumar and Mahendra Kumar Sahu will be released on bail on furnishing a personal bond for a 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.

Sd/-

(Goutam Bhaduri)
Judge