

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3391 of 2018**

Harish Kumar Sahu, S/o. Manthir Sahu, Aged About 26 Years, R/o- House No. 348, Ward No. 12, Vijay Nagar, Durg, District- Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station- Mohan Nagar, Durg, District- Durg, Chhattisgarh.

---- Respondent**AND****M.CR.C. No. 3609 of 2018**

Parmanand Sahu, S/o. Tejram Sahu, Aged About 25 Years, R/o.- Vijay Nagar, Behind Gajanand Temple, Durg, Tahsil and District- Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- The District Magistrate, Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicants : Mr. Amiyakant Tiwari & Purnendra Khicharia,
Advocates

For State/respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/07/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and

the incident.

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.91/2018, registered at Police Station – Mohan Nagar, Durg, District – Durg (C.G.), for the offence punishable under Section 294, 506-B, 323, 324, 327, 307, 34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 21.03.2018. Charge-sheet in this case has been filed after completion of investigation. No case is made out against the applicants for the offence under Section 307 of I.P.C. Similarly placed co-accused person namely Bhanu Pratap Sahu @ Pappu Sahu has been enlarged on bail by this Court vide order dated 17.05.2018. Hence, it is prayed that the applicants may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, on the date of incident Parmanand Sahu asked the complainant Nemichand for money to buy liquor, he refused to pay the same because of which, Mahara Sahu assaulted the complainant with broken bottle causing injuries to him and the co-accused persons were also in his company at that time. Hence, this case.

7. Considered on the submissions made and the contents of the case diary. No specific mention is there in MLC report of injured about the grievousness of the injury or fatal nature of the injuries caused to the complainant, hence for this reason and for the reason that similarly placed co-accused person has been enlarged on bail, 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 applicants shall be released on bail on their 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge