

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2756 of 2019**

B. Prabhu S/o B Lali Aged About 20 Years R/o Camp 1 Sundar Nagar Near Gurudwara Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, Durg., District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 3038 of 2019**

Javed Hussain S/o Abdul Gaffar Aged About 20 Years R/o Camp Adarsh Nagar, Chawni, Police Station Chawani, Bhilai Distirct Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through District Magistrate Chahttisgarh., Chhattisgarh.

---- Respondent

For the Applicants : Shri Avinash Chand Sahu, Advocate.
For the Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.07.2019**

Heard.

1. Both these applications are decided by a common order as they arise from the similar matter. These are the first bail applications of the applicants 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.4 of 2019, registered at Police Station Jamul, District – Durg, Chhattisgarh for the offence punishable under Section 307, 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants in both the cases are in jail since 4.1.2019 and they have been falsely implicated in this case. In fact, co-accused/ a juvenile offender who had stabbed the victim of this case in which these applicants had not participated. The main offender has been enlarged on bail by the Judicial Court. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that these applicants have acted in furtherance of common intention in the said commission of crime. Hence, for these reasons, none of the applicants deserve to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the FIR, on the date of incident, main accused - S. Sudhir in company of these applicants assaulted victim - Rakesh Singh with a knife and caused one stab injury on his abdomen because of which, the applicants were arrested for the said commission of offence.

6. As the fact situation is that the main accused has been enlarged on bail and no purpose would be served if the applicants in both the cases are kept in detention for the whole period of trial, these applications are allowed.

7. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of

the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi