

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6931 of 2021**

- Deepak Sahu S/o Chandra Kumar Sahu Aged About 27 Years
R/o Gram Sargaon Police Station Sargaon, District Mungeli,
Chhattisgarh.

---- Applicant***Versus***

- State Of Chhattisgarh Through Police Station Hirri, Bilaspur,
District Bilaspur, Chhattisgarh.

---- Respondent

 For Applicant : Shri Rajkumar Gupta, Advocate
 For Respondent/State : Shri Ajay Kumrani, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****26.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 11.7.2021 in connection with Crime No.105/2021 registered at Police Station Hirri, Bilaspur Distt. Bilaspur (C.G.), for the offence punishable under Sections 294, 323, 506, 394, 327 & 34 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25 & 27 of the Arms Act.

2. Brief facts of the case are that the applicant along with other co-accused persons abused complainant Ayush Sharma, assaulted him with hands and fists and also with knife, looted Rs.200/- and also threatened to kill him. Based on the above facts, present case has been registered against the present applicant and two other accused persons under Sections 294, 323, 506, 394, 327 & 34 of the IPC and Sections 25 & 27 of the Arms Act.

3. Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in the case. It is a simple case of *marpeet* only and Sections 394 & 327 has been added falsely. He would next submit that two other co-accused persons have already been granted bail by the court below. The

applicant is in jail since 11.7.2021, charge sheet has been filed, hence, he may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that the applicant has criminal antecedent registered against him, which shows that he is an habitual offender, therefore he may not be enlarged on bail.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence and also considering that co-accused persons have already been granted bail, his detention period and also taking into consideration that charge sheet has been filed, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE