

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1905 of 2015

- Anish Toppo, S/o Istanish Toppo Aged About 34 years R/O Fokatpara Sarvmangla Road, Police Station City Kotwali Korba, Tah. and Post Korba, District Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Dipka, District Korba Chhattisgarh.

---- Respondent

For Applicant
For Respondent

Shri Sanjeev Sahu, Advocate
Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/04/2015

Heard learned counsel for the parties.

1. The applicant has preferred this third bail application for grant of bail as he is arrested in connection with Crime No.53/2013 registered in Police Station Dipka, District Korba, for offence under Sections 294, 323, 353, 286, 427, 342 & 393 of the Indian Penal Code.
2. Although the matter is listed at motion stage, however, the case diary is available, therefore, with the consent of counsel for the parties, the matter is heard finally.
3. Applicant along with three other persons entered the premises of Gevra Colliery, S1 and S2 CHP with intention to commit theft at about 1.00 am in the intervening night of 1st & 2nd May, 2013. The complainant Nand

Kishor Thakur, the Chief Security In-charge of SECL witnessed the accused persons and resisted them on which they started pelting stones and assaulted him by hand and fist. The accused persons also tried to snatch the rifle on which it was fired causing death of one of the accused Bhola @ Dhananjay.

4. While deciding the first bail application liberty was reserved to move again after examination of the complainant Nand Kishor Thakur. Second bail application was dismissed because at that time Nand Kishor Thakur was not examined.
5. The first informant Nand Kishor Thakur as well as the witnesses Shyam Bihari Shukla & Somardas, employees of SECL, who were present at the time of occurrence, have been examined. Their deposition has been placed in the record of this bail application.
6. Considering the nature of evidence available on record and for the fact that the applicant is in jail since last about two years, this Court is inclined to release the applicant on bail.
7. Accordingly, the application for grant of bail is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

J u d g e

Gowri