

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7028 of 2015

1. Golu @ Samar Singh, S/o. Ramgulam Singh Thakur, aged about 30 years, R/o. Near Malsai Talab, Kushanpur, Purani Basti, Raipur, District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station, Purani Basti, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. V.R. Tiwari, Advocate
For Respondent/State	: Mr. O.P. Sahu, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.261/2014, registered at Police Station – Purani Basti, Raipur District – Raipur (C.G.) for the offence punishable under Section 147, 294, 323/34, 427, 365, 395 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 06.10.2014, the applicant alongwith other co-accused persons assaulted the victim, Ankit Pandey by wooden stick and looted gold chain, cell phone and cash of Rs.50,000/-.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that there

are four accused persons namely Sangram Singh Thakur, Gulshan Borkar, Neeraj Sahu and the present applicant. He would further submit that all other co-accused persons have been enlarged on bail by the Coordinate Bench of this Court as the evidence of the prosecution has not supported the case of the prosecution. He would further submit that applicant is in jail since 11.08.2015, and since the similar circumstance exists against this applicant, therefore, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that 18 cases are pending against the present applicant. He would further submit that initially he was absconding and subsequently arrested, therefore, the applicant may not be released on bail .
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the bail order of the other co-accused Gulshan Borkar and Neeraj, passed in M.Cr.C. NO.1269/2015, wherein bail was ordered on 21.04.2015. Subsequently in M.Cr.C.No.3259/2015, order dated 27.07.2015 wherein the prime consideration to grant bail is that the witnesses has not supported the case of the prosecution. Further taking into the facts that criminal cases are pending against the complainant and the applicant is in jail since 11.08.2015, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his 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 his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram