

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7253 of 2015

Safik Ansari, S/o. Late Shri Jumman Ansari, aged about 35 years,
Caste Julaha, R/o. Village Raja Katel (Manja) , PS Lakhanpur
District Sarguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police
Station Ambikapur District Sarguja (C.G.)

---- Respondent

For Applicant	:-	Mr. Jitendra Shrivastava, Advocate
For Respondent/ State	:-	Mr. Samir Behar, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 532/2015 registered at Police Station- Ambikapur, District Sarguja (C.G.) for the offence punishable under Sections 387,120-B, 506 B/34 of IPC.
2. Case of the prosecution, in brief, is that on 24.09.2015 a report was made by one Pawan Pandey alleging that one Ram Singh and the other co-accused came to his house and inquired about the complainant, because he was given a contract of Rs 3 lakhs to kill the complainant and he received a phone call bearing No. 9575045949. Subsequently, on the investigation it was found that the applicant has called the complainant on his mobile No. 9826444437 from mobile No. 9575045949. Thereby, the offence is committed.

3. Counsel for the applicant submits that the person who has lodged the report has been convicted under section 201 of IPC read with 302 of IPC and he placed on record the judgment of Session Trial No. 122 of 1999 on 01.09.2010. He further submits that the applicant has been falsely implicated in this case and no evidence is available against this applicant and the phone call bearing No. 9575045949 do not belong to this applicant; therefore, he may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail and do not dispute the fact as per the case diary the phone number No. 9575045949 do not belong to this applicant.
5. Having regard to the fact and the primarily evidence as per submission made by the State counsel. Since, primarily phone number 9575045949 received by the complainant do not belonged to the applicant; and the fact that the charge sheet has been filed and the applicant is in jail since 27.09.2015. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Goutam Bhaduri)
Judge