

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3013 of 2016

- Surjeet @ Savjeet S/o Shivcharan Bala Aged About 38 Years
Caste Namushudra, R/o P.V. 36, Chandipur, Thana & Tahsil
Pakhanjore, District U.B. Kanker, Chhattisgarh.

---- Petitioner

Versus

- The State of Chhattisgarh Through Police Station Pakhanjore,
District U.B. Kanker, Chhattisgarh. --- Respondent

MCRC No. 3048 of 2016

- Ganesh Haldar S/o Jitendra Haldar Aged About 35 Years By
Caste Namushudra R/o P.V. 49, Sitapur, Thana Gondahur
Tahsil Pakhanjore, Distt. U.B. Kanker Chhattisgarh

---- Petitioner

Versus

- The State of Chhattisgarh Through Police Station Pakhanjore,
Distt. U.B. Kanker Chhattisgarh --- Respondent

For the applicant(s)	:	Mr. Parag Kotecha, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.07.2016

1. These are two first bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 4/2016 registered at P.S. Gondatur (C.G) for the offences punishable under Section 307, 120-B, 394, 397/34 IPC. Since both these applications are arising out of the same crime number, they are being disposed of by this common order.
2. As per the prosecution case, on 29.01.2016, complainant Subhash Sharma after collection of money from his customers was going back to his village on his motorcycle

bearing regn.No.C.G.08 R/4928. The present applicants alongwith others also followed him by motorcycle and co-accused Vikas in order to commit loot fired gun shots at the back of Subhash. Thereafter a report was made and the applicants were arrested and on their memorandum, the motorcycle was seized.

3. Learned counsel for the applicants would submit that no evidence is available against the applicants and only on the memorandum, the applicants have been arrested and the allegation of firing gun shot is on co-accused Vikas Talukdar and the applicants have not been identified.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements and case diary documents. A perusal of the evidence available against the applicants would show that the applicants have not been identified by the complainant.
6. Considering the facts and circumstances of the case and taking into fact that the applicants have not been identified and the charge sheet has been filed in this case, i am inclined to release the applicants on bail.
7. Accordingly, the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE