

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4940 of 2016

1. Jugal Kishore Thakur @ Jugal, S/o. Bhagat Singh Thakur, Caste-Gond, aged about 21 years, R/o. Indra Nagar, Ward No.31, Police Station Basantpur, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station – Basantpur, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant	: Mr. B.D. Guru, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/08/2016

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.204/2015, registered at Police Station – Basantpur, District – Rajnandgaon (C.G.) for the offence punishable under Section 307, 120 (B), 34 of Indian Penal Code and 25 & 27 of the Arms Act.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused Sonu Thapa fired gun shot on injured Nitin Limbo with intention to kill him and thereby the aforesaid offence was committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, charge-sheet has been filed and he is in jail since 01.08.2015 and no further investigation is required. He would further submit that the injured has not named the present applicant in the first information report and he was not

identified. He would further submit that similarly placed co-accused, who was not named in the FIR and was not identified, has been granted bail vide order dated 18.07.2016 by this court in M.Cr.C. No.3306/2016, therefore, the counsel prays that the applicant may also be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that neither the applicant was named in the FIR nor was identified and further considering the fact that similarly placed co-accused in this case has been granted bail vide order dated 18.07.2016 by this court in M.Cr.C. No.3306/2016, 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