

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4701 of 2016

1. Abdul Kadir, S/o. Nasir Ansari, aged about 25 years, Caste- Musalmaan, R/o. Village- Putkaltoli, P.S. - Ratu, District – Ranchi (Jharkhand), Civil and Revenue District – Ranchi (JH).

----Applicant

Versus

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

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate

For Respondent/State : Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/08/2016

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.09/2009, registered at Police Station – Jashpur, District- Jashpur (C.G.) for the offence punishable under Section 307, 384, 345, 506 (B), 120(B) of Indian Penal Code and Section 25 & 27 of Arms Act.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused went to the village Khonga and demanded money from the contractor, who were constructing the road, which was refused, therefore, they fired on the persons engaged in the work and also set-fire to the tractor. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that the applicant is a mental patient and he is taking medicine for his mental treatment. It is further submitted that neither any material has been seized from the possession of the applicant nor any incriminating evidence is available against the applicant, therefore, the counsel prays that, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case charge-sheet and the statement of Tabrej Khan and the memorandum statement. Considering the statement and the evidence available against this applicant I am not inclined to release the applicant on bail. However, since it has been stated that the applicant is suffering with mental disorder, the jail authorities are directed to take proper care and to provide treatment to the applicant in the custody.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge