

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2655 of 2016

1. Deepak Lohar, S/o. Balveer Lohar, aged about 32 years
2. Surendra Lohar, S/o. Balveer Lohar, aged 40 years
Both R/o. J.P. Colony Rohtak, Police Station Rohtak, Haryana

----Applicants

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Station – Premnagar,
District – Surajpur (Chhattisgarh)

---- Respondent

For Applicants : Mr. Shakti Raj Sinha, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/06/2016

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 applicants who have been arrested in connection with Crime No.117/2015, registered at Police Station – Premnagar, District – Surajpur (C.G.) for the offence punishable under Section 302, 394, 397, 201, 412, 414, 120B/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 26-27/09.2015, the other co-accused persons namely Anil Yadav @ Hari Narayan, Patul @ Abdul Mazid and one Nazir Khan committed murder of driver and cleaner of Trailer No.C.G.-12-S-4823 namely Bodhan Prasad and Nilesh Kumar and have thrown the dead body in the Kataroli Jungle, they further looted the Trailor and took the

Trailer to the Jhajjar in the State of Haryana and have sold it. Later on, the owner of the Tractor came to know about the location of the Tractor at Haryana from the GPS system; thereby the offence has been committed.

3. Learned counsel for the applicants submits that the offence of murder and dacoity is said to have been committed by Anil Yadav @ Hari Narayan and Patul @ Abdul Mazid and one Nazir Khan. He further submits that the applicants have not committed any offence and in the like nature of the charge, other co-accused has been enlarged on bail by the coordinate Bench of this Court in M.Cr.C.No.551/2016 vide order dated 12.04.2016. He referred to the charges framed against this applicant and submits that under the similar circumstances, the applicants 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 diary and order. Similarly placed co-accused has been enlarged on bail and perusal of the charges shows that similar charges have been framed against these applicants also. Taking into such fact and considering the allegation of loot and murder are against Anil @ Hari Narayan, Patul @ Abdul Mazid and one Nazir Khan and further considering the nature of allegation against this applicants, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram