

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3703 of 2016

1. Firoz Ansari, S/o. Hazrat, aged about 19 years, by caste- Musalman, R/o. Village-Putkaltoli, Ratu, Police Station -Ranchi, District – Ranchi (Jharkhand)

----Applicant

Versus

1. State of Chhattisgarh, Through : the S.H.O., Police Station – Asta, District – Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/07/2016

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 – Asta, District – Jashpur (C.G.) for the offence punishable under Section 307, 384, 435, 506 Part-II, 34 read with Section 120-B of IPC and Section 25 and 27 of Arms Act.
2. Case of the prosecution, in brief, is that on 11.06.2009, the applicant along with other accused persons tried to extort money from person, who are engaged in Pradhan Mantri Gram Sadak Yojna and during such incident tried to set fire to tractor by pouring petrol on it and also opened fire during such incident. Subsequently, Tarbez Khan was arrested and on the basis of his memorandum, the applicant has been arrested. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that no evidence is available against the applicant and only on the basis of memorandum statement, the applicant has been inculpated and even after arrest of the applicant, no effort has been made to identify the applicant and only by simple declaration, it is stated that they are absconding no effort has been made by the police to find whereabouts the applicant. It is further submitted that the applicant suffered fracture and is treated in the jail hospital and the applicant is in jail since 26.04.2016, 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 diary and the documents. Perusal of the document shows that Tarbez Khan was identified and thereafter, the memorandum was recorded, wherein he has disclosed that the applicant and other persons are involved in such incident and also opened fire and tried to set fire to the tractor. Since the incident is of the year 2009 and the applicant was absconding. Taking into such fact and the background of this case, I am not inclined to release the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge