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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5233 of 2016

1. Raju Nat, S/o. Mohanlal Nat, aged about 25 years, R/o. Village-Jhagadpur, P.S. & Tahsil – Pathalgaon, District – Jashpur, Civil and Revenue District – Jashpur (C.G.)
2. Bhog Singh, S/o. Thirthoram, aged about 28 years, R/o. Village-Gala, P.S. & Tahsil Pathalgaon, District – Jashpur (C.G.), Civil and Revenue District -Jashpur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : P.S. -Kapu, District – Raigarh (C.G.)

---- Respondent

For Applicants : Mr. M.K. Sinha, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/09/2016

1. This is the second 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.149/2014, registered at Police Station – Kapu, District – Raigarh (C.G.) for the offence punishable under Section 458, 170, 142, 395, 398, 120-B of the I.P.C. and Section 25 & 27 of the Arms Act. The first bail application was dismissed on 14.01.2016 in M.Cr.C. No.7666/2015.
2. Case of the prosecution, in brief, is that on 07.12.2014, the applicants along with co-accused entered into the house of Budhram and pretended that they are Police Officers and on that pretext, they committed dacoity. Subsequently, the report was filed and on investigation, the applicants have been arrested.

3. Learned counsel for the applicants submits that after rejection of the first bail application, Bodhram, Sudho Bai and Santoshi, who are the victim have been examined and they have not supported the case of the prosecution as they have not identified the present applicants. It is further submitted that similarly placed co-accused, has been enlarged on bail on the ground that he was not identified, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute that Bodhram, Sudho Bai and Santoshi have examined and they have not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Considering those facts and the fact that victim in this case have not supported the case of the prosecution, without any further observation on merits, 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