

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6033 of 2016

Ban Singh, S/o. Ganpat Singh, Aged About 22 Years, R/o. Village :
Piprani, Police Station: Tanda, District Dhar (M.P.).

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station : Telibandha, District :
Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. N. Naha Roy, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.10.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.151/2016 registered at Police Station- Telibandha, District Raipur (C.G.) for the offence punishable under Section 399, 402 of Indian Penal Code and Section 25 & 27 of Arms Act.
2. As per the prosecution case, on 04.06.2016 on a secret information received that the applicant along-with other co-accused are planing for dacoity at certain place, they were apprehended at about 10:30 p.m. and thereafter on the memorandum, it revealed that the applicant along-with other co-accused tried to plan to commit dacoity at Raipur.
3. Learned counsel for the applicant would submit that without any evidence, the applicant is inside the jail. It is further submitted that probable place of dacoity has also not been investigated and only on presumption, the applicant is arrested. The recovery of the mobile would also show that it was inactive and therefore had there

been any planning for dacoity, the applicant would not have kept the inactive mobile phone; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, memorandum statement and the evidence available against the applicant and further considering the fact that only one rod has been recovered from the possession of the applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge