

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7657 of 2016

1. Kundan Ajnaar, aged about 25 years, S/o. Shri Bansi Ajnaar, R/o. Village- Tarsinga, Tari Sada Fariya, P.S. - Tanda, District – Dhar (M.P.) No.9589776278

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. N. Naha Roy, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/12/2016

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.151/2016, registered at Police Station – Telibandha, District – Raipur (C.G.) for the offence punishable under Section 399, 402 of Indian Penal Code, 1860 and Section 25 and 27 of the Arms Act.
2. Case of the prosecution, in brief, is that on 04.06.2016 on a secrete information received that the applicant along-with other co-accused are planning 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 submits 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. It is further submitted that similarly placed co-accused, Ban Singh has been enlarged on bail by this Court in M.Cr.C. No. 6033/2016 vide order dated 03.10.2016, therefore, the counsel prays that the applicant may also 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 the fact that similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the evidence available against the applicant and the fact fact that only *Khukhari* has been recovered from the possession of the applicant and further considering the fact that similarly placed co-accused has been enlarged on bail vide order dated 03.10.2016, in M.Cr.C.6033/2016, this Court is of the opinion that present is a fit case, in which, the applicant 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram