

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7455 of 2017**

Abdul Tahreeb Khan @ Bablu Khan S/o Raheem Khan, aged about 35 years, R/o Village Pandripani, Police Station Bilaigarh, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Police Station Bilaigarh, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Adil Minhaj, Advocate
For Respondent/State	:	Shri D. R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14/12/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 50/2015 registered at Police Station Bilaigarh, District Baloda Bazar-Bhatapara (CG) for the offence punishable under Sections 147, 148, 149, 294, 506, 452, 307 & 302 of IPC.

2. The present applicant was arrested on 22.09.2017 by the Police pursuant to an order dated 17.08.2017 passed by the 2nd Additional Sessions Judge, Baloda Bazar in Sessions Trial No. 16/2015 on an application under Section 319 of CrPC filed by PW-1 Aangan Bai Sahu.

3. Counsel for the applicant submits that the incident is of 05.02.2015 and the statement under Section 161 CrPC of PW-1 Aangan Bai was recorded on 15.04.2015 wherein she did not name the present applicant as an accused person. Subsequently, PW-1 was also examined before the Court below on 27.10.2015 and even then she did not name the applicant of having played

any role in commission of the offence. It is only after about two years time from her statement which was recorded in the Court, she moves an application under Section 319 CrPC seeking for impleading the present applicant as an accused. The said application was allowed by the Court below on 17.08.2017 based upon this the applicant was arrested. Counsel for the applicant submits that there is no material available on record to show the involvement of the applicant and that it is nothing but a concocted story made by PW-1 Aagan Bai as an after thought that too much after her statement recorded before the Court below. In such circumstances, counsel for the applicant prays for grant of bail to the applicant.

4. State counsel, however, opposes the bail application on the ground that there are some materials available in the case diary so far as the involvement of the present applicant is concerned. He further submits that subsequent to the order dated 17.08.2017 passed by the trial Court, the prosecution has also filed a supplementary charge sheet against the present applicant. Therefore, prayed for rejection of the bail application.

5. Having considered the facts and circumstances of the case, particularly taking note of 161 CrPC statement as well as Court statement of PW-1 Aagan Bai at whose instance the application under Section 319 CrPC was filed and an order was obtained, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE