

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 131 of 2017

1. Mangiya Ram Netam, S/o. Bhadu Ram Netam, aged about 58 years, R/o. Village-Padowari, P.S. - Bhanupratappur, Revenue and Civil District – North Bastar Kanker (C.G.).
2. Krishna Kumar Razzak @ Raju, S/o. Bindu Ram, aged about 24 years, R/o. Village-Pedawari, P.S. - Bhanupratappur, Revenue and Civil District North Bastar Kanker (C.G.).
3. Rajendra Gawade, S/o. Bogiram Gawade, aged about 25 years, R/o. Village- Pedawari, P.S. - Bhanupratappur, Revenue and Civil District – North Bastar Kanker (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : the Police Station – Bhanupratappur, District – North Bastar Kanker (C.G.)

---- Respondent

For Applicants	:	Mr. P.K. Tulsyan, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

24/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.156/2016, registered at Police Station- Bhanupratappur, District – North Bastar, Kanker (C.G.) for the offence punishable under Section 399, 402 of Indian Penal Code and Section 25 of Arms Act.
2. Case of the prosecution in brief is that on 14.09.2016 on information received that the present applicants were making preparation to commit dacoity, on a raid being conducted, the applicants were arrested and one of the applicant namely Rajendra Gawade fled away and from the accused Krishna Kumar Razzak one Sword, from Mongiya Ram Netam a wooden revolver and from other accused Santlal, naxlite uniform were recovered. Thereby the offence has been

committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and there is no evidence against the present applicants that the applicants were making any preparation to commit any dacoity and only bald allegations have been levelled. It is further submitted that charge-sheet in this case has been filed and no further investigation is required, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents and statements of the witnesses. Considering the fact that seizure has already been made and further considering the nature of evidence, charge-sheet in this case has been filed, 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 Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a 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