

HIGH COURT OF CHHATTISGARH, BILASPUR

ORDER SHEET

MCrC No. 818 of 2017

Kamal Hasan S/o Hanif Ansari, aged about 23 years, R/o village Meral, Police Station Meral, Distt. Gadhwa (Jharkhand) Civil and Revenue District Gadhwa.

---- **Appellant**

Versus

State of Chhattisgarh Through : the Station House Officer, Police of Police Station Raghunath Nagar, District Balrampur-Ramanujganj (CG).

----**Respondent.**

01/02/2017	Shri SC Verma, Advocate for the applicant. Shri Ashish Shukla, Govt. Advocate for the State. The applicant has preferred this application under Section 439 CrPC for grant of bail as he has been arrested on 12.04.2013 in connection with Crime No.63/2011 registered at Police Station Raghunath Nagar, Distt. Balrampur-Ramanujganj for the offence punishable under Sections 147,148,149,302 and 307 IPC and under Section 25 & 27 of Arms Act. This is second bail application. The earlier bail application was rejected by this court on 19.09.2014. At the time of rejection of earlier application, the witnesses had not been examined. Learned counsel appearing for the applicant submits that subsequently in due course of time most of the independent eyewitness have already examined and none of the witnesses have supported the case of the prosecution and that on the basis of evidence which have come on record till now there is no possibility of court below convicting the applicant as no case has been made out against the applicant. Therefore, the applicant may be released on bail. He further submits that even otherwise the applicant has already remained in custody for three years and ten months which may also be taken into consideration for grant of bail.	

	State counsel, however, opposes the bail application on the ground that allegations against the applicant is very serious in nature. Having considered the submissions put forth by counsel for the applicant and on perusal of evidence which have come on record and which have been enclosed along with the bail application, this court is of the opinion that prima facie a strong case has been made out for grant of bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed. Certified copy as per rules. Sd/- (P. Sam Koshy) JUDGE	
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