

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3580 of 2017

(Arising out of judgment/order dated in Case No. of the learned.....)

1. Baisakhu @ Gunda, S/o Akbar, Aged About 45 Years, Cultivator, Caste Gond, R/o Village Gourmudi, Police Station Chhura, District Gariyaband, Chhattisgarh.
2. Paras S/o Maha Singh, Aged About 33 Years, Caste Manjhi, Cultivator, R/o Village Farfaud, Police Station Nuapada, District Juapada, Odisha.

---- Applicants (In jail)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Komakhan, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Vikas Pradhan, Advocate
For Respondent	:	Shri Vivek Sharma, Government Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

13/11/2017

1. Heard.
2. The applicants have preferred this application under Section 439 of Cr.P.C. for grant of regular bail as they are in custody in connection with Crime No.69/2016 registered at Police Station Komkhan, District Mahasamund (CG) for the offences punishable under Sections 452, 302, 307/34 of the Indian Penal Code; Sections 25, 27 of the Arms Act; Sections 38 (2) & 39 (2) of the Prevention of Unlawful Activities Act, 1967 and Section 8 (1) (3) (5) of the CG Special Public Security Act, 2008.
3. According to the prosecution, the allegation against the present applicants is that they along with co-accused entered the house of one Khejanlal and committed his murder by causing three gunshot injuries to him. When

complainant Himmat Lal Sonwani intervened in the matter, he too received gunshot injury.

4. Learned counsel for the applicant submits that there is no eyewitness account to the incident and the applicants have been implicated solely on the basis of memorandum statements and recovery of sword. The applicants are not named in FIR. No test identification has been conducted. Co-accused Nemichand has been granted bail vide order dated 15.6.2017 passed in M.Cr.C. No.2276/2017. Allegations against the present applicants are similar to that of co-accused who has already been granted bail. The applicants are in custody since 13.9.2016 and the conclusion of trial is likely to take some time. In these circumstances, he prays for grant of bail to the applicants.
5. On the other hand, learned counsel for the State opposes the bail application, however, he does not dispute the fact that case of the applicants is identical to that of co-accused Nemichand who has been granted bail.
6. Taking into consideration the allegation against the applicants coupled with the fact that similarly placed co-accused Nemichand has already been granted bail and looking to the fact that applicants are in custody since 13.9.2016, this Court is of the considered view that it is a fit case to release the applicants on bail. Accordingly, without expressing any view on the merits of the case, the application is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh Only) each with one surety in the like amount to the satisfaction of the trial Court concerned.
7. Certified copy as per rules.

Sd/-
(Pritinker Diwaker)
Judge