

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 3219 OF 2017

Bharat Sahu, S/o Late Gopal Sahu, aged about 43 years, R/o Ward No. 43, Basantpur, Rajnandgaon, District Rajnandgaon (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station-Basantpur, Rajnandgaon, District Rajnandgaon (C.G.)

... Non-applicant

MISC. CRIMINAL CASE NO. 1772 OF 2017

Vinod, S/o Late Kapil Dev, aged about 43 years, R/o Shastri Nagar, Plot No. 13/9, Supela, Camp No.1, Bhilai, District Durg (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, P.S. Basantpur, District Rajnandgaon (C.G.)

... Non-applicant

MISC. CRIMINAL CASE NO. 3623 OF 2017

Nitin Limbo @ Munku Nepali, S/o Nirmal Kumar Limbo, aged about 36 years, R/o Ward No.14, Borinagar, P.S. City Kotwali, Tahsil & District Rajnandgaon (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, P.S. Basantpur, District Rajnandgaon (C.G.)

... Non-applicant

Mr. Goutam Khetrapal, Advocate, for the Applicant, in M.Cr.C. No. 3219 of 2017.

Mr. H.S. Ahluwalia, Advocate, for the Applicants, in M.Cr.C. Nos. 1772 of 2017 and 3623 of 2017.

Mr. Prasun Bhaduri, Government Advocate, for the State.

Mr. Sunil Sahu, Advocate, for the Objector.

Hon'ble Shri Justice Prashant Kumar Mishra

Order on Board

25/05/2017

1. These are the First Bail Applications under Section 439 of Cr.P.C filed by the respective Applicants for grant of bail as they are arrested in connection with Crime No. 276 of 2016, registered at Police Station Basantpur, District Rajnandgaon, for the offence punishable under Sections 307, 120-B, 212/34 of I.P.C. and Sections 25 & 27 of the Arms Act.

2. The Applicants have been arrested for committing attempt to murder on injured Ghanshyam Vishwakarma at about 4:30pm on 21.11.2016.

3. It appears, in the year 2016 Ghanshyam Vishwakarma and 5 other accused persons have made attempt on the life of Nitin Limbo @ Munku Limbo, for which they are facing criminal trial at Rajnandgaon. When Ghanshyam Vishwakarma was returning from Court at 4:30pm on 21.11.2016, the Applicant Nitin Limbo @ Munku Limbo and Dinesh Maheshwari were moving in a motorcycle, whereas Bharat Sahu was moving in a four-wheeler. They chased the injured Ghanshyam Vishwakarma to some distance and thereafter Nitin Limbo fired from a country made revolver causing injury over left scapular region of Ghanshyam Vishwakarma.

4. Learned Counsel for the Applicants would submit that in previous incident Ghanshyam Vishwakarma and other accused persons had attempted over life of Nitin Limbo and in that case Ghanshyam Vishwakarma has already been released on bail. It is also argued that Ghanshyam Vishwakarma has not suffered any serious injury as he was discharged from the hospital after four days of incident. It is also submitted that recovery has already been made from the Applicants, therefore, their custodial interrogation is not required.

5. Per contra, learned Counsel for the State and Shri Sahu, learned Counsel appearing for the Objector, would submit that present is a grievous offence, therefore, the present act cannot be linked with the previous offences. According to them, all the accused persons, particularly Nitin Limbo, are actively involved in committing the present crime, therefore, they are not entitled to be released on bail.

6. Having considered the submissions made by the Counsel for the parties and on perusal of the case diary, it appears that the injured was discharged from hospital after four days of incident; the accused persons

are in jail since December, 2016, i.e., for about more than 5 months, and the charge-sheet has already been filed. Therefore, considering all relevant aspects of the matter the present appears to be a fit case for grant of bail to the Applicants.

7. Accordingly, the bail applications are allowed. It is directed that the Applicants shall be released on bail on their executing a personal bond in sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Trial Court. All the Applicants shall appear before the concerned Police Station at 11:00am on every 1st day and 15th day of the month during pendency of the trial. On their failure to appear before the Police Station or to attend the hearing before the Trial Court even on a single day, their bail bonds shall remain cancelled and the concerned police shall be entitled to arrest them after informing the Trial Court.

Sd/-

Vacation Judge
(Prashant Kumar Mishra)