

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4215 of 2017

- Nasimuddin Ansari @ Babu S/o Sarfuddin @ Safruddin Ansari, Aged About 28 Years Caste Muslim, R/o Nabitoli, Labdera, Police Station Kurdeg, District Simdega Jharkhand

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Farsabahal, District Jashpur Chhattisgarh

---- Respondent

For Petitioner	:	Shri JK Saxena, Advocate
For Respondent/State	:	Shri Avinash Singh, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/11/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.02/2017 registered at Police Station Farsabahal, District Jashpur for the offence punishable under Section 302, 201 & 34 of IPC.

3. Case of the prosecution is that the applicant along with other co-accused committed murder of one Vishram Sahu.

4. Learned counsel for the applicant submitted that the applicant has been involved in the said allegation without there being any legally admissible evidence on record in the charge sheet to connect the applicant with the alleged commission of offence. He submits that the deceased was last seen with one Premchand Sahu and the application and recitals in the memorandum of Premchand Sahu is not admissible, except for the recovery purposes. Next submission of learned counsel for the applicant is that the collection of material that on the date of incident, the applicant was also present at Tapkara, based

on mobile call details, leads no where and except that, there is no other material, therefore, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that in the memorandum of Premchand Sahu, it is stated the present applicant and Gajadhar committed murder of the deceased on 07-01-2017. He next submits that on the basis of mobile call details, it is clear that the present applicant and Gajadhar were also present at Village Tapkara on the date of incident.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the material collected by the prosecution, on the basis of which, the applicant was involved in the alleged incident, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.15,000/- along with one local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E