

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1537 of 2018**

Doman Nishad, S/o. Pardeshi Nishad, Aged About 25 Years, R/o.- Village Rasouta, Police Station -Arang. Present Address- Bajaj Colony, Sector-2, New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through - The Station House Officer, Police Station Arang, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.P. Sahu, Advocate
For State/respondent	: Mr. Anant Bajpai, Panel Lawyer
For Objector	: Mr. C.R. Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/03/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.386/2017, registered at Police Station – Arang, District – Raipur (C.G.), for the offence punishable under Section 307, 120-B, 34 of the Indian Penal Code and Section 25, 27 of Arms Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 12.09.2017 and no case is made out on the basis of the

material present in the charge-sheet against him. The only evidence, that is being relied upon by the prosecution is the memorandum statement of the co-accused persons. This applicant was not present on the spot of the incident and there is no legally admissible evidence against him, hence, prayed that the applicant be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. The applicant has played key role in coordinating with the main accused person in contract of killing the complainant in this case and also for providing facilities like fire arms etc. for the said killing. Hence, he is not entitled for grant of bail.
4. Counsel for the objector submits that the applicant is the main accused in this case and on the basis of the mobile records, this applicant was the first to be arrested and on his memorandum statement, the other co-accused persons were arrested later on. Hence, the applicant is not entitled to be released on bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The brief facts of the case are these that injured Babla @ Goverdhan Prasad and the co-accused Paras Ram Sahu had been opposite candidate in Panchayat election, in which the main accused – Paras Ram lost and he also had some dispute about sand quarries with the complainant. According to memorandum statement of co-accused persons, the main accused Paras Ram and this applicant collaborated and main accused entered into a contract for killing the complainant in this case with other co-accused persons and according to

memorandum statement itself this applicant played a key role in providing the firm arm to the accused persons, who assaulted the injured/victim of this case.

7. Considered on the submissions made and the contents of the case diary. Considering the entire material present on the case diary and further considering the evidence i.e. proposed to be brought against this applicant for his prosecution, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge