

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3478 of 2018**

Ajay Singh S/o Sarju Singh Aged About 40 Years R/o- Ward No. 5, Mangal Pandey Ward, Bhairamgarh, District- Bijapur, Chhattisgarh., District : Bijapur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station, Bhairamgarh, District- Bijapur, Chhattisgarh., District : Bijapur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kishore Bhaduri and Shri Pawan Kesharwani, Advocates.
For the Respondent/State	:	Ms. M. Asha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.06.2018**

Heard.

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. 54 of 2017, registered at Police Station Bhairamgarh, District Bijapur, Chhattisgarh for the offence punishable under Sections 147, 294, 307, 353, 332, 394 and 427 of the Indian Penal Code and Section 4 of the Prevention of Damages of Public Properties Act.
2. Learned counsel for the applicant submit that the applicant is in jail since 03.02.2018 and has been falsely implicated in this case. The applicant is a member of congress party and designated as District Head of Bastar. He has organized and participated in various Dharnas etc. No role has been

played by this applicant in the commission of offence as alleged in this case. It is clear from the certified copy of the affidavit filed by complainant – Jaimangal Singh Parihar and one another Rafiq Khan alongwith the application that both of them had made a categorical statement that they have not identified this applicant as one of the persons present in the mob which has committed the offence. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the case-diary statement shows active involvement of the applicant in the commission of offence and also this applicant has criminal history of having been prosecuted for various offences and having been proceeded under the provisions of Cr.P.C. of preventive nature. Hence, for these reasons, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident, complainant – Jaimangal Singh Parihar, CMO, Bhopalpatnam has filed a complaint and also lodged FIR on 30.11.2017 that his official vehicle met with an accident and a child got injured and died. It is alleged that at that time this applicant alongwith other co-accused persons came on the spot, abused and thrashed the complainant and others. The vehicle of the complainant was set to fire and cash of Rs.20,000/- and mobile phone of the complainant was also looted by the applicant and others. Although, it appears to be a case of direct evidence, but the certified

copy of the affidavit attached with the application discloses differently in which the complainant and main witness Rafiq Khan stated that they have not identified this applicant as one of the assailants. Further, in the TIP, conducted during investigation this applicant was not identified by the concerned.

6. After overall consideration of all the material present in the case-diary, I am of the opinion that this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge