

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4646 of 2018**

1. Amar Kumar S/o Ram Lakhan Aged About 19 Years R/o- Village Karmouni, P.S. Dobhi District- Gaya, Bihar., District : Gaya, Bihar
2. Deepak Kumar Yadav S/o Komal Yadav Aged About 18 Years R/o- Village Karmouni, P.S. Dobhi District- Gaya, Bihar, District : Gaya, Bihar
3. Roshan Kumar Paswan S/o Rajesh Paswan Aged About 18 Years R/o- Village Karmouni, P.S. Dobhi District- Gaya, Bihar, District : Gaya, Bihar

---- Applicants**Versus**

State Of Chhattisgarh Through- Station House Officer, P.S. Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicants : Shri Nishi Kant Sinha, Advocate.
 For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2018**

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 applicants who have been arrested in connection with Crime No.153 of 2018, registered at Police Station – Ambikapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.
2. Learned counsel for the applicants submits that the applicants are in jail since 22.3.2018 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before

the Court by the prosecution. Hence, it is prayed that the applicants 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 there are two previous cases against these applicants registered for the offences of theft and house trespass. The applicants are the professional criminals. Hence, the application be rejected.

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

5. The applicants and other co-accused persons were arrested on 22.3.2018 by the police personnel of P.S. Ambikapur, District Surguja while they were making preparations to commit dacoity alongwith the co-accused persons, being armed with rods, fire arms, sharp-edged weapons and gas cutters. Hence, this case.

6. Considered the material present in the case-diary. The age of the applicants is just about 18-19 years. The charge-sheet is before the trial Court and the trial of the case is likely to take some time for its final disposal. Hence, looking to the tender age of the applicants, I am of the considered opinion that the applicants deserve to be released on bail on a condition that the applicants shall give their appearance before the police station of the concerned jurisdiction once in a month on the first Monday.

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

8. It is directed that the applicants shall be released on bail on each of them 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 their 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