

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4728 of 2018

- Lalit Barve @ Leon S/o Late Bhimrao Barve Aged About 20 Years R/o Kashiram Nagar, Post Office Raipur, P.S. Telibandha, Tahsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Arang, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Vineet Kumar Pandey, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/08/2018

1. This is the second bail application of this applicant. His first bail application filed under Section 439 of Code of Criminal Procedure, 1973 was dismissed as withdrawn with liberty in MCRC No.1958/2018 vide order dated 1.5.2018.
2. This 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 Sections 307 & 120B of Indian Penal Code.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated only on the basis of the memorandum statement of co-accused persons in this case. He is in jail since 12.9.2017. No case is made out against him and the trial against him is also pending before the trial Court. Hence, it is prayed that applicant be enlarged on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is evidence about the involvement of this applicant in the case concerned, hence, application be rejected.
5. Heard both the parties and perused the case diary.
6. According to the FIR lodged by the complainant on the date of incident, two persons on a motorcycle came near the complainant and the pillion rider of the motorcycle shot a fire from some fire arm from which the Babla Sahu got injured. The FIR was lodged against unknown persons. Later on, in the investigation identification has been made by one owner of the Kirana shop, that applicant and other co-accused have come to purchase Gutkha from a shop, further, there is no seizure of any fire arm has been made from this applicant. Hence, this case.
7. Considered on the entire material present in the case diary and also for the reason that the trial against him is likely to take some time before its conclusion. For this reason, I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha