

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7868 of 2018

1. Pradeep Paswan S/o Late Kashi Paswan, Aged About 27 Years, R/o Aura, Police Station- Invercity, District- Gaya, Bihar., District : Gaya, Bihar
2. Chhotu Bhuiya S/o Visheshwar, Aged About 32 Years, R/o Thigaseen, Police Station- Imamganj, District Gaya, Bihar., District : Gaya, Bihar.

---- Applicants

Versus

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

----Non-applicant

For Applicants – Shri Sunil Otwani, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-10-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 22-03-2018 in connection with Crime No.153/2018 registered at P.S. - Ambikapur, District- Surguja, Chhattisgarh for the offence under Section 399, 402 of the IPC and Section 25, 27 of Arms Act.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 22-03-2018. No case is made out against them. Similarly placed co-accused persons have been granted bail by this Court in MCRC No.4947/2018 and MCRC No.5186/2018 vide order dated 03-08-2018. Hence, it is prayed that these applicants may be also be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.

5. It is alleged that on the date of incident these applicants along with co-accused persons were preparing to commit offence of dacoity and were in possession of weapons and other articles for commission of offence. Seizure of a rope was made from applicant No.1 and one hammer was made from applicant No.2. Hence, this case.

6. Later on, it is also submitted by learned counsel for the applicants that the seizure witnesses have not supported the prosecution case.

7. After due consideration on the material present in the case diary and this fact that co-accused persons have been granted bail by this Court, I feel inclined to allow this application.

8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge