

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8128 of 2018**

1. Ramlakhan Prasad Mehto, S/o. Ram Dayal, Aged About 64 Years, R/o. Beme Nagar, Police Station -Dumariya, District -Gaya Bihar.
2. Pramod Kumar, S/o. Ram Swaroop Yadav, Aged About 27 Years, R/o. Nehota, Police Station -Imamganj, District -Gaya Bihar, District : Gaya, Bihar.

---- Applicants**Versus**

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

---- Respondent

For Applicants	: Mr. Sunil Otwani, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/12/2018**

1. This is the second 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.153/2018, registered at Police Station – Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 399, 402 of the Indian Penal Code and Section 25, 27 of the Arms Act. The first bail application was dismissed as withdrawn vide order dated 03.08.2018.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 22.03.2018. The trial against them is proceeded in which the independent witness of search have been examined, who have clearly denied regarding any seizure of fire arm from the possession of these applicants. Hence, looking to the development that has taken place, the applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that Investigation Officer is still to be examined and his evidence can also be relied upon by the trial Court, hence, no case is made out for grant of bail only for the reason that seizure witness have turned hostile.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Police personnel of police station Ambikapur raided the spot and arrested these applicants along with co-accused persons on that charge that they were preparing to commit an offence of dacoity. These applicants were found in possession of firm arm, which was seized from their possession.
6. Considered the submissions made and the contents of the case diary. After considering the development that has taken place in this case, the seizure witness in this case have not supported the prosecution case and for the reason that the trial against the applicant is getting prolonged, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on

regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge