

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8830 of 2018**

Sunil, S/o Shri Kapil Dev, aged about 20 years, By caste Ghansi, R/o village Kotalu, P.S. Kusami, District Balrampur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through In-charge Police Station Jashpur, District Jashpur(CG). **---- Non-applicant**

For Applicant	: Mr. Ashok Kumar Swarnakar, Advocate.
For Non-applicant	: Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.10/2002 registered at Police Station Jashpur, District Jashpur for the offence punishable under Sections 124(a), 121(a), 307 of Indian Penal Code and Sections 25, 27 of Arms Act.
3. Case of the prosecution, in brief is that on 20.01.2002 in village Kaprol encounter was happened between the police and members of MCC. One co-accused Chujhu Ram was caught hold red-hand on the spot with rifle and other co-accused fled away from the spot. Co-accused Chujhu Ram stated that the present applicant, co-accused Rakeshji, Gudduji, Satishji, Aazadji, Sunilji, Philipsji, Bindaji, Chamanji, Chotuji etc were also present at that time on the spot.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant however he submits that no criminal antecedent reported against the applicant in police case diary.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence;

and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

7. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-