

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 860 of 2019**

1. Roky Singh S/o Munni Aged About 21 Years R/o Saidpur, P. S. Dariyapur, District Chapra Bihar, Bihar
2. Hareshwar Singh S/o Late Shree Ram Chandra Aged About 56 Years R/o Chhatamuda Baipass, Atal Chowk, Raigarh District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station Saraipali, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants : Shri Sanjay Agrawal, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.02.2019**

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.306 of 2017, registered at Police Station – Saraipali, District Mahasamund, Chhattisgarh for the offence punishable under Sections 395, 398 and 120B of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

2. Learned counsel for the applicants submits that the applicants 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. Similarly placed co-accused persons have been granted regular bail by this Court in M.Cr.C. No. 9951 of 2018 vide dated 14.1.2019 on this ground that the trial against the applicants is getting delayed. Applicant No.1 – Roky Singh is in jail since 13.10.2017 and applicant No.2 – Hareshwar Singh is in jail since 17.10.2017. 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.

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

5. The allegation against the applicants is that they conspired with the other co-accused persons to commit the offence of dacoity in the house of complainant – Lal Chand Agrawal and thereafter, the offence of Arms Act is also committed in which these applicants were the participants.

6. After considering the entire material present in the case-diary and taking into consideration the fact that similarly placed co-accused persons have been granted regular bail by this Court, I feel inclined to grant regular bail to the applicants.

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

Nimmi