

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1292 of 2019

1. Nageshwar Lakra S/o Krishna Lakra, Aged About 20 Years, R/o Village Tharki P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Larang Say S/o Rambarat Panika, Aged About 30 Years, R/o Village Karra, P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station - Rajpur, District Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Akath Kumar Yadav, Advocate.

For Non-applicant/State – Shri H.S. Ahluwalia, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-03-2019

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 01-08-2017 in connection with Crime No.47/2017 registered at Police Station - Pasta, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 450, 302, 307, 323, 120-B of the IPC and 25, 27 of Arms Act.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. No case is made out against them. Similarly placed co-accused Chhotelal Yadav has been granted regular bail by this Court. Main witnesses in this case have been examined before the trial Court who have neither identified these applicants nor named them. Their implication in this case is based only on the statement given by the co-accused on memorandum. Therefore, it is prayed that these applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that both these applicants were present outside the house where the incident took place, therefore, the complainant and the main witnesses had no occasion to see them. There is evidence of location of these applicants nearby the place of incident on the basis of mobile location report. Therefore, their application may be rejected.

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

5. According to the FIR lodged, four persons committed house-trespass in the house and shop of complainant Lakhan Yadav and one of them fired rifle shot causing fatal injury to one Sanjay Yadav who succumbed to the injury. After lodging of the FIR, in the TIP three of the co-accused persons have been identified by the complainant. No TIP was conducted with respect to these applicants.

6. After considering the case against these applicants as it is present in the case diary, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge