

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1354 of 2019

1. Alam Ansari, S/o. Hanif Ansari. Aged About 21 Years. R/o. Village Lakrakhonda, Post Charakmara, Police Station Sarath, District Devghar, Jharkhand.
2. Afroz Alam, S/o. Jamal Ansari, Aged About 26 Years, R/o. Village Lakrakhonda, Post Charakmara, Police Station Sarath, District Devghar, Jharkhand.

.....Applicants

-Versus -

State Of Chhattisgarh, Through The Police Station Arang, District Raipur, Chhattisgarh

.....Respondent

For Applicants : Mr. N Naha Roy, Advocate

For Respondent : Mr. R.K.Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.03.2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.54/2018 registered at Police Station- Arang, District Raipur (C.G.) for the offence punishable under Sections 399, 402 of Indian Penal Code & 25 of the Arms Act.
2. As per the prosecution case, the applicants alongwith other co-accused on 28.01.2018 while making preparation of committing dacoity were caught red handed.
3. Learned counsel for the applicants submits that there is no iota of evidence against the applicants and only on the basis of presumption, the applicants have been arrested, therefore, they may be released on bail.
4. Per contra, State counsel opposes the prayer for grant of bail.

5. Perused the case diary. It appears that only a country made pistol was recovered from the possession of the applicants. Considering the fact that the applicants are in jail since 28.01.2018 and the other co-accused namely Saddam Ansari has been enlarged on bail on 29.10.2018, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge