

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2835 of 2019

- Najay @ Ashok Yadav S/o Ramchandra Yadav, Aged About 25 Years, R/o Village Jalbodha, Police Station Chando, District Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri Akath Kumar Yadav, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-05-2019

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 applicant for grant of regular bail. The applicant has been arrested on 09-09-2017 in connection with Crime No.31/2017 registered at P.S. - Samripath, District Balrampur- Ramanujganj, Chhattisgarh for the offence under Section 323, 386, 394, 395, 450, 506 of the IPC and Section 25, 27 of Arms Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 09-09-2017. The trial has not made any progress so far. Similarly placed co-accused persons have been granted regular bail by this Court. Apart from that, all the relevant witnesses of the incident and the witnesses of search and seizure have turned hostile and not supported the prosecution case. Hence, it is prayed that this applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the FIR lodged against this applicant and others, that he committed armed dacoity in the house of complainant Dulu Nageshiya and has also committed other offences. Hence, this case.

6. Considered on the entire material present in the case diary and also perused the certified copy of the deposition of the witnesses filed along with the application. As the witnesses of incident and the witnesses of search and seizure have been declared hostile by the prosecution, also for the reason that other co-accused persons have been granted bail by this Court on the ground of hostility of the witnesses in trial, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge