

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3054 of 2019

- Sunil Toppo S/o Late Hari Ram Toppo, Aged About 27 Years, R/o Village Bario, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chowki Dawra, Police Station Pasta, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Akath Kumar Yadav, Advocate.

For Non-applicant/State – Shri I. Lakra, Deputy Govt. Advocate.

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 01-08-2017 in connection with Crime No.47/2017 registered at Police Chowki Dawra, P.S. - Pasta, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 450, 302, 307, 323, 120-B, 396, 511 of the IPC and 25, 27 of Arms Act, which is now pending as Session Case No.R-76/2017 before the Additional Sessions Judge Ramanujganj, District Balrampur-Ramanujganj.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out. The co-accused persons namely Chhotelal Yadav, Nageshwar Lakra and Larang Say have been granted regular bail by this Court and this applicant is also similarly placed, therefore, it is prayed that he may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has been identified in the test identification parade by the witnesses and further he is the person who shot the deceased

by rifle and the rifle has been seized from this applicant on the basis of his memorandum statement. Therefore, it is prayed that the application may be rejected.

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

5. On the date of incident four unknown persons forced their entry into the house and shop of Lakhan Yadav for committing robbery and then one of them fired rifle shot fatally injuring Sanjay Yadav, who succumbed to the injuries later on. During investigation this applicant has been identified in the test identification parade.

6. The co-accused persons who have been granted bail by this Court had a different case from this applicant, therefore, I do not feel inclined to allow this application.

7. Consequently, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge