

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3724 of 2019**

Gulab Khan S/o Haibat Khan Aged About 50 Years R/o Village- Pandaripani,
Police Station- Bilaigarh, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station- Bilaigarh, District-
Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Praveen Das and Shri Raja Sharma, Advocates.
For the Respondent/State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.08.2019**

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 applicant who has been arrested in connection with Crime No.50 of 2015, registered at Police Station – Bilaigarh, District – Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Sections 147, 148, 427, 452, 506, 323, 307 and 302 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The incident is of 4.2.2015. This applicant was named in the FIR even then after investigation of the case, the applicant was not charge-sheeted in May, 2015. The applicant was not shown as

absconder and it was mentioned in the charge-sheet that there is need of further investigation with respect to this applicant and other persons named in the FIR which indicated that there was no sufficient evidence for charge-sheeting the applicant. Subsequent to which, the supplementary charge-sheet has been filed in the month of March, 2019 without making any further investigation because of which, the applicant has been arrested on 5.3.2019 and he is in jail. Hence, it is prayed that the applicant 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. It is submitted that the name of the applicant is reflected in the FIR and also in the evidence of the statement of the witnesses which were recorded under Section 161 of the Cr.P.C. that he was one of the accused person who was present in assaulting the deceased and others. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, on the date of incident because of some rivalry regarding the allegation in which the candidate of the applicant and the other accused persons had lost. It is alleged that this applicant alongwith other co-accused persons forcefully entered into the house of complainant – Dharamlal Sahu where the complainant and others were assaulted and beaten by the mob. Deceased – Fagulal and others came on the spot later on hearing the commotion and it is alleged that the accused persons including this applicant engaged in assaulting and beating Fagulal

and others with use of clubs and brickbats. Deceased – Fagulal sustained one injury on head from some brickbat, however, he died on 12.2.2015 during the course of treatment. Hence, this case.

6. After considering the development that has taken place in this case, the fact that the earlier evidence in the case-diary is not found sufficient for conviction of the applicant; he is now being prosecuted, further it is a case of the year 2015 and the trial against the applicant is likely to take sometime for its final disposal, therefore, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his 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