

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4365 of 2019

- Vivek Minj @ Chungru S/o Balamram, Aged About 21 Years, R/o Village-Tharki, Police Station- Rajpur, District- Balrampur-Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Pasta, District-Balrampur-Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Vikas Pandey, Advocate.

For Non-applicant/State – Shri Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-08-2019

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 have been arrested on 29-07-2017 in connection with Crime No.47/2017 registered at Police Station - Pasta, District Balrampur-Ramanujanj, Chhattisgarh for the offence under Section 450, 302, 307, 323, 120-B, 396, 511 of the IPC and 25, 27 of Arms Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 29-07-2017. The eye-witnesses of this case have been examined before the trial Court who have not identified and named this applicant as one of the assailants in the offence committed. Similarly placed co-accused namely Chhotelal Yadav, Nageshwar Lakra and Larang Say have been granted bail by this Court. Therefore, it is prayed that the application of this applicant may also be allowed.
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 prosecution case, four unknown persons committed house trespass in the house and shop of complainant Lakhan Yadav to commit robbery and then one of them fired rifle shot fatally injuring one Sanjay Yadav who died later on. After lodging of the FIR a few of co-accused persons have been identified in the TIP and name of this applicant has appeared in the memorandum statement given by the co-accused persons. Hence, this case.

6. After perusing certified copy of the documents of the deposition of the witnesses who have examined before the trial Court it is found that they have not made any statement in particular against this applicant, therefore, 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