

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5097 of 2019

- Ramesh S/o Jaitram Dhruv Aged About 24 Years R/o Village Junadih (Bendkura), Police Station & District Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Gariyaband, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate.

For Respondent : Mr. Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/09/2019

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.663/2019 registered at Police Station– Gariyaband, District– Gariyaband(C.G.) for the offence punishable under Sections 399, 402 of the Indian Penal Code and Sections 25 of the Arms Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 18.05.2019. The only case that would made out against the applicant is under Section 25 of Arms Act, for the rest of the offences he has been falsely arrayed as an accused. This applicant does not have any

criminal antecedent, therefore, he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant and the co-accused persons were making preparation for commission of *dacoity*, therefore, the offence is of serious in nature, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, the police personnel of police-station-Gariyaband received a confidential information on the basis of that they raided the spot and found this applicant present with other accused persons, armed with weapons and making preparation to commit the offence of *dacoity*. One knife was recovered from the possession of this applicant. Charge-sheet has been filed after completion of investigation.
6. Considered that this applicant does not have any criminal antecedent and also only one knife has been recovered from him, for these reasons, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge