

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5305 of 2019

1. Aasgar Khan S/o Shah Mohammad, Aged About 30 Years, R/o Village Bindranawagarh P.S. Mainpur, Distrtict- Gariyabandh, Chhattisgarh., District : Gariyabandh, Chhattisgarh
2. Harish Dewangan S/o Shri Roop Singh Dewangan, Aged About 27 Years, R/o Village Bindranawagarh, P.S. Mainpur, Distrtict- Gariyabandh, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Mainpur, Gariyabandh, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicants – Shri Kshitij Sharma, Advocate.

For Non-applicant/State – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-09-2019

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 applicants for grant of regular bail. The applicants have been arrested on 18-05-2019 in connection with Crime No.53/2019 registered at P.S. - Mainpur, Gariyabandh, District- Gariyabandh, Chhattisgarh for the offence under Section 399, 402 of the IPC & 25 of Arms Act.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 18-05-2019. These applicants have not committed any offence, at the most they may be charged with offence under the provisions of Arms Act. One similar placed co-accused Ramesh Dhruv have been granted regular bail by this Court. Therefore, it is prayed that this application 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, on 18-05-2019 the police official of Police Station Mainpur, District Gariyabandh, received a confidential information that some persons are armed with deadly weapons and gathered together. A raid was conducted and these applicants were apprehended from the spot making preparation to commit dacoity. One muzzle loading rifle was seized from the possession of applicant No.1 and a knife and one club was seized from applicant No.2. Hence, this case.

6. Considering that charge sheet has already been filed and the case is pending for trial and these applicants do not have any criminal antecedent, also for the reason that one similarly placed co-accused has been granted bail by this Court, I feel inclined to allow this application.

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

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge