

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8069 of 2019**

- Rahul Singh S/o Lal Devan Singh Aged About 22 Years R/o Bajrang Chowk, Ruwabandha, District Durg, Chhattisgarh.,

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri T.K. Jha, Adv.
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.168/2019, registered at Police Station - Bhilai Nagar, District Durg (C.G.) for the offence punishable under Sections 341, 302, 147, 148, 149 IPC and Sections 25 and 27 of Arms Act.
2. The prosecution story, in brief, is that on 06.05.2019, complainant Anil Singh @ Jhungru lodged a report at Police Station, Bhilai Nagar to the effect that Ajay Kumar Yadav @ Pawan @ Dan resident of Ruwabandha, Azad Chowk was stopped by Sagar @ Dangi, Lalit Yadav, Shankar @ Balchi, Babu Mishra, Lala, Siddharth Sethi, applicant, Magga @ Sagar, Papu @ Sheenu and the aforementioned persons

attacked Ajay Yadav with stick and sword. In the incident, Ajay Kumar Yadav has been killed. Based on this, offence has been registered. The present applicant has been taken into custody on 16.08.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits three accused persons namely Rahul (present applicant), Shankar @ Balchi and Lala had written a letter to Superintendent of Police, based on which, an inquiry was conducted and a report (Annexure A/2) was filed by the S.H.O., Bhilai Nagar wherein name of present applicant does not find place. He also submits that vide order dated 28.11.2019, co-accused Shankar @ Balchi has already been granted bail by this Court in MCRC No.6436/2019. He also submits that the applicant is in custody since 16.08.2019, the charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the inquiry report submitted by the S.H.O., Bhilai Nagar is not a part of charge sheet and there is eye-witness to the incident who have named the applicant and other co-accused persons to be the perpetrator of crime.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the

case, quality of evidence, and further considering the fact that other co-accused namely Shankar @ Balchi has already been granted bail, the applicant is in custody since 16.08.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde