

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9670 of 2018**

Guddu @ Ajay Thakur S/o Sukhadi Thakur Aged About 25 Years R/o Village Matgadhi, Thana Bhandariya, District Gadhwa Jharkhand.

---- Applicant**Versus**

The State Of Chhattisgarh Through The Station House Officer, Police Station Balrampur District Balrampur-Ramanujganj Chhattisgarh.

---- Non-applicant

 For Applicant : Mr. Sumit Shrivastava, Advocate
 For Non-applicant : Mr. Ravindra Agrawal Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu
Order On Board

20/12/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who has been arrested in connection with Crime No. 96/2009 registered at Police Station Balrampur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 395 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.
2. Case of the prosecution is that on 12.12.2009 at about 11.00 pm, six persons have stopped the passenger bus and have committed loot from the passengers. The present applicant is one of them amongst six persons.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and as per FIR itself, all the persons who

have been alleged to have involved in the alleged mentioned offences, their faces were covered. He further submits that for the first time, name of the applicant came in the memorandum of Akhtar Ansari and Ali Hussain, who are co-accused in the instant crime. He further submits that after conclusion of trial, both of them i.e. Akhtar Ansari and Ali Hussain have been acquitted by the learned trial Court vide judgment dated 10.01.2013 (Annexure A/2), therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that two persons i.e. Akhtar Ansari and Ali Hussain, who have been acquitted by the learned trial Court are resident of the jurisdiction of Balrampur Police and the present applicant is permanent resident of State of Jharkhand.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case as also the contents of FIR wherein all the applicants were said to have covered their faces at the time of incident and further that the persons in whose memorandum name of the applicant has been mentioned on the basis of which he was made accused, themselves were acquitted in the same crime vide Annexure A/2, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that on applicant's furnishing a personal bond of Rs.50,000/- with two local sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court for his regular appearance before the said court, he shall be released on bail. It is further directed

that if the applicant failed to appear on any date before the learned trial Court, bail granted to him shall stand cancelled automatically.

Sd/-

(Parth Prateem Sahu)
Vacation Judge

Yogesh