

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6978 of 2015

Vipin Singh, S/o. Haldhar Singh (Halghar Singh), Aged About 32 Years,
Occupation Business, Caste Kshatriya, R/o. Rawni Road, Bagicha, P.S. &
Tahsil Bagicha, Distt. Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Ambikapur, Distt. Surguja,
Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Tripathi, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.612/2015, registered at Police Station– Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 386, 419, 120-B, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 25.10.2015, Manoj Kumar Agrawal received a phone call on his mobile in which an amount of Rs.40 Lacs was demanded and the demand was made in name of the Naxalite. Subsequently, on 28.10.2015 again a phone call was received and instead of Rs.40 Lacs it was reduced to Rs.10 Lacs. Thereafter, the matter was reported to the police and the complainant alongwith the police went to Bus Stand having Rs.8000/- wherein two persons came in the Motorcycle bearing No.C.G.14/5680 and when the envelope of Rs.8000/- was handed over, they were caught red handed and on being caught red

handed they discloses the name of Vipin Singh and one person tried to fled away by Car bearing No.C.G.04-B/8949 which was stated to be of Vipin Singh. Therefore, the offence has been registered.

3. Learned counsel for the applicant submits that he do not dispute the fact that the Car bearing No.C.G.04-B/8949 belonged to him and he further submits that one of the person is Driver and if it has been done by the Driver, he cannot be inculpated and in the FIR his name do not appear; therefore he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and the evidence available against this applicant; considering the fact that he has been inculpated on the hearsay statement, without any observation on merit, taking into fact that the charge sheet has been filed and the applicant is in jail since 28.10.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

