

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4884 of 2016

Subhash Maurya, S/o. Banga Prasad Mourya, Aged About 35 Years, R/o. Gaurakala, P.S. Choubeypur, Distt. Varanasi (Uttar Pradesh).

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Bango, District – Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.R.J. Jaiswal, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.08.2016

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.02/2016 registered at Police Station- Bango, Distt. Korba (C.G.) for the offence punishable under Section 302, 201, 34 of Indian Penal Code.
2. As per the prosecution case, the applicant alongwith other co-accused were going back in their vehicle from Bilaspur to Banarash and in the half-way one Harish Paswan committed murder to Pappu Singh @ Chandrashekar by a Gun shot. Thereafter, the applicant who was the driver of the vehicle washed the vehicle and threw the blood-stained towel into the shrubs; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has not committed murder, the entire allegation is attributed to Harish Paswan and he was only the driver of the taxi, which was

hired and the passenger has committed the offence. He further submits that the only allegation against this applicant is that he has tried to make disappearance of the evidence. It is further submitted that the charge sheet in this case has been filed and the applicant is in jail since 18.04.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the allegation against this applicant is under Section 201 of IPC.
5. Perused the case diary and the statement. Considering the statement and the documents and further taking into fact that the allegation against this applicant is for making disappearance of the evidence, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge