

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 239 of 2017**

- Devprasad Joshi S/o Shailkumar Joshi, Aged About 30 Years R/o Gram Manki, Police Station Lormi, District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: The In- Charge - Officer , Police Station Lormi, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Mateen Siddiqui, Advocate
For Respondents-State	:	Shri Anupam Dubey, GA for the State

HON'BLE The Vacation Judge**Order On Board****24/05/2017**

1. This is the First Bail Application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.381/2015, registered in Police Station Lormi, District-Mungeli for offence under Sections 302, 304, 120B and 34 of IPC (as per the challan Section 302 and 120B of IPC).
2. The applicant along with the main accused Shantanu Joshi and co-accused Shail Joshi have allegedly committed murder of deceased Lalbahadur Dahariya by driving the scorpio vehicle over the body of deceased at about 9.10 AM on 09.09.2016.
3. As per the prosecution story, on account of dispute concerning election of the local Panchayat, the accused persons hatched conspiracy and in execution thereof Shantanu and Shail drove the vehicle over the body of the

deceased, however, admittedly, the applicant, who is brother of Shantanu was not present in the vehicle at the time of incident. As against this applicant there is allegation that he was also involved in the conspiracy, however, the evidence of conspiracy is sketchy.

4. Considering the nature of evidence available against the applicant, particularly for the reason that he was not present inside the vehicle or even on the spot at the time of incident, I am of the opinion that present is a fit case, in which, the applicant deserves to be extended the benefit of Section 438 of Cr.P.C.
5. Accordingly, the bail application is allowed and it is directed that in the event of arrest of this applicant, if he furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then, he shall be released on bail on the following further conditions :
 - (i) that the applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required ;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
7. In the result, the bail application is allowed.

Sd/-

V. Judge
Prashant Kumar Mishra

Ashu