

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3950 of 2017

- Rajaram S/o Somaruram, Aged About 50 Years, R/o House No. 09, Sadar Bazar, Police Station Kent, Varanashi (Uttar Pradesh)

---- Applicant

Versus

- State Of Chhattisgarh Through- Officers-In- Charge, Police Station City Kotwali, District- Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjeev Kumar Sahu, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

25-07-2017

1. A subsequent MCRC No.4074/2017 was preferred by the present applicant. On 05-07-2017 the said MCRC has been disposed of as the the said MCRC was subsequent repeat application by this Court.

2. As per the report of office, co-accused, 6 in number (Ratanlal Sharma, Bhola Nath, Umashankar, Prakash Patel, Amit Kumar, Shiv Kumar Gond) have not preferred any MCRC for their release on bail.

3. Heard the matter finally.

4. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.191/2017 on 12-05-2017 by P.S. City Kotwali, District Bilaspur, C.G. for the offence under Section 420, 467, 468, 471, 34 of the IPC. After investigation police had filed the charge sheet on 06-07-2017 against total 7 accused persons, but learned counsel for the applicant is not aware of the criminal case number till date; he informed that the matter is pending before the CJM Bilaspur, C.G. Learned counsel for the applicant would further submit that the applicant is resident of Varanashi, U.P.; he was driver of one Vijay Kumar Gupta. The said vehicle was registered under the tourism permit and the Vijay Kumar Gupta used to give said vehicle on rent. The other co-accused had taken the said vehicle on rent. There is no any material against the applicant; he simply did his duty of driving the vehicle. He

is falsely implicated; his name is not surfaced in the written complaint, FIR. no any document has been seized from the applicant. No money has been seized from the applicant. The applicant is a poor person, he drives the vehicle and was not aware of any other facts. Hence, he may be granted bail during trial.

5. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that in the statement recorded under Section 161 of the Cr.P.C. all the witnesses Vivek Pandey, Durgesh Pandey, Sanjay Singh, Narendra Kumar, Gourav Yadav and Vijay Bahadur Singh stated the involvement of the present applicant along with other co-accused for the offence.

6. Perused the entire material.

7. As the statement recorded during investigation is part of the charge sheet and for the purpose of consideration of bail petition the evidence surfaced in the statement may not be brushed away, on consideration of the material available against the present applicant, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge