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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 428 of 2017**

Vikas Bansal S/o Late Shivkumar, Aged About 28 Years Vaishnav, R/o Village- Kansinghi, Police Station- Chhura, District- Gariyaband (Chhattisgarh.)

---- Applicant**Versus**

The Central Bureau Of Investigation Through- The Director, Central Bureau Of Investigation, Plot No. 5-B, 6th Floor, C.G.O. Complex, Lodhi Road, New Delhi, Pin Code- 110003.

---- Respondent

For the Applicant	:	Shri S.C. Verma, Advocate.
For the Respondent/CBI	:	Shri Kishore Bhaduri and Shri Pawan Kesharwani, Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.R.C. No.2(S)/ 2015/ CBI/ SC-III, New Delhi, registered at Central Bureau of Investigation, New Delhi for the offence punishable under Sections 302, 201 and 203 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. As per the FIR and the statements given by the witnesses, the applicant had been simply present in the house of the deceased on the date of incident and no overt act was done by him. As per the prosecution case, the deceased and the father of the applicant who is

alleged to have murdered the deceased, were found alone in the room where the incident took place. Hence, no case is made out against the applicant for his prosecution for offence of murder and it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the Central Bureau of Investigation opposes the bail application and the submissions made in this respect. It is submitted that the applicant came alongwith his father – Shiv Kumar Vaishnav to the house of the deceased. When the deceased and Shiv Kumar Vaishnav were having conversation in a room, the applicant was keeping engaged the wife and daughter of the deceased in the same house with a purpose till the incident took place. The deceased was a journalist and on account of his fearless reporting he was murdered in a conspiracy, of which the applicant had been a part. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case according to the statements of the witnesses present on the spot are that on the date of incident i.e. 23.1.2011 deceased - Umesh Rajput was present in his residence, then Shiv Kumar Vaishnav and the present applicant both came to visit the deceased. Shiv Kumar Vaishnav went inside the room where the deceased was doing some work and the applicant engaged himself with wife and daughter of the deceased. In the meanwhile, the daughter of the deceased brought tea and biscuits for the deceased and Shiv Kumar Vaishnav in the room. Between 6:30 – 6:45 pm a

sound of gunshot was heard thereafter, the witnesses went to the spot i.e. room of the deceased and found the deceased in injured condition and Shiv Kumar Vaishnav was present in the same spot and without giving any explanation about the incident that has taken place. Thereafter, the applicant borrowed the motorcycle of the deceased and went away from the spot. The deceased was taken to the hospital where he was declared dead. The CBI has investigated the case and filed the charge-sheet.

6. Considering the submissions made and the contents of the case diary, statements of the relevant witnesses of the spot, namely, Smt. Vimla Rajput, wife of the deceased and Ku. Poonam Rajput, daughter of the deceased and considering the evidences proposed to be produced against the applicant in the case prosecuted against him, I am of the view that this is a fit case where the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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/-

(Rajendra Chandra Singh Samant)
Judge