

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1322 of 2018**

Ramesh Kashyap S/o Premsingh Kashyap Aged About 35 Years R/o.-
Mungapadar, Patelpara, Police Station Kondagaon, District- Kondagaon,
Chhattisgarh., District : Kondagaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Of Police
Station Kondagaon, District- Kondagaon, Chhattisgarh, District :
Kondagaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Goutam Khetrapal, Advocate.
For the Respondent/State : Ms. K. Tripti Rao, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.04.2018**

Heard.

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.12 of 2017, registered at Police Station – Kondagaon, District – Kondagaon, Chhattisgarh for the offence punishable under Sections 302 and 109/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 30.11.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution and there is no evidence at all against him. Similarly placed co-accused – Manchit Kashyap has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 1176 of 2018, vide order

dated 12.04.2018. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. According to prosecution case, the conspiracy was hatched for causing death of the deceased – Fohdu Ram Kashyap between the applicant and other co-accused persons and then on the date of incident, the deceased was found murdered. After inquest procedure, the FIR was lodged against unknown persons.

6. The name of the applicant has appeared in the seizure memo of one mobile phone and that mobile phone also belonged to the applicant himself. The connection that has been shown with the commission of offence is that this applicant made a call to one of the co-accused person prior to commission of offence. Looking to the nature of evidence that is proposed against the applicant for his prosecution, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi