

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4055 of 2018**

Dinesh Gond, S/o. Ram Lal, Aged About 27 Years, R/o. Imlibhatha, Sarkanda, Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Uttam Pandey, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/07/2018**

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. 603/2017, registered at Police Station- Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 302, 201/34, 120-B of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case only on the basis of the memorandum statement given by the co-accused person. No recovery has been made from this applicant so as to implicate in the crime, which is alleged to have been committed. Hence, it is prayed that the applicant may also be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that this applicant had helped the main accused Anuj

Kashyap in commission of the crime, according to the memorandum statement given by the Anuj Kashyap. Some recovery and seizure has also been made at the instance of this applicant, hence, he is not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the case of the prosecution, the main accused Anuj Kashyap had borrowed Rs.1,80,000/- from the deceased Anil Kaushal and regarding repayment of said loan, he had some dispute with the deceased . It is alleged that Anuj Kashyap along with other co-accused persons conspired to murder the deceased and then with the help of this applicant he throttled the deceased to death and threw the dead body in the sewerage. Hence this case.
6. Considered the submissions made and the contents of the case diary. Considering on the evidence i.e. proposed for the prosecution of this applicant before the trial Court, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge