

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4362 of 2018

- Dilip Kumar @ Nandau S/o Late Ramesh Vishwakarma Aged About 19 Years R/o Village Anandpur (Pahadpara) Police Station And Tahsil Sonhat District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Sonhat District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.122/2017 registered at Police Station- Sonhat, District – Korea(C.G.) for the offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 24.11.2017. No case is made out against this applicant. The main

assailant in this case is Shyam Lal, who had inflicted the fatal injury to the deceased and no evidence is present against this applicant. Similarly placed co-accused Smt. Kusum Bai has been granted bail by the co-ordinate Bench of this Court. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the statement of extra judicial confession given by a witness, this applicant was present and had acted in furtherance of common intention in the commission of offence, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, during the quarrel between deceased Ramesh Vishwakarma with his wife co-accused Smt. Kusum Bai another co-accused Shyam Lal came and assaulted the deceased with a rod causing fatal injury to him. The only allegation against this applicant is this, that he was present at the time of the incident and he had encouraged the main accused in the commission of offence. Hence, this case.
6. Considered on all the material present in the case diary, and it appears that the trial is likely to take some time before its conclusion, hence, for this reason, I am of this view that this is a fit case where applicant should be benefited with grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha