

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4486 of 2018**

Mahendra Kumar Patel, S/o. Devcharan Patel, Aged About 22 Years, R/o Village Jurali, Police Station Katghora, Tahsil Podi-Uroda, District Korba Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Bango, District Korba Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S.R.J. Jaiswal, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/07/2018**

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. 33/2018, registered at Police Station- Bango, District – Korba (C.G.) for the offence punishable under Section 302, 120-B, 201, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 12.03.2018. No case is made out against him on the basis of the material present in the charge-sheet. Even the statement given by the co-accused persons on memorandum does not disclose that the applicant was a party to the commission of offence of murder. Hence, it is prayed that the applicant may 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 was member of conspiracy, 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 Alma Kujur hired co-accused person Ram Patel for murdering her husband, the deceased Ramesh Kujur. On the date of incident, it is alleged that this applicant arrived with the main accused persons Ram Patel and Shiv Singh and then he was left in the house of co-accused Alma Kujur. Thereafter, the co-accused person took the deceased with them to a lonely place and murdered him.
6. Considered the submissions made and the contents of the case diary. Involvement of this applicant in the offence is a question, which shall be determined by the trial Court, for the present, 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