

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4542 of 2018

- Saroj @ Bablu Pradhan S/o Makhan Pradhan, Aged About 31 Years, R/o- Village Kunjara, Police Station & Tahsil Lailunga, District- Raigarh Civil & Revenue District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri Ashutosh Mishra, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-02-2017 in connection with Crime No.48/2017 registered at P.S. Lailunga, District- Raigarh, Chhattisgarh for the offence under Section 302, 120B, 147, 148, 149 of the IPC and Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 20-02-2017. This applicant is not the main assailant in this case and neither he had any knowledge about the intention of the main accused persons. Hence, it is prayed that the applicant may be released on regular bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has fully participated in commission of offence of the murder and in the act of concealing the evidence of murder, hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident the tractor of Dilo @ Dil Kumar was seized by forest ranger deceased Daulat Ram Lader, because of which, a dispute had taken place between the Dil Kumar and the other co-accused persons with the deceased. Later on, in the night of the same day, the main accused Dil Kumar along with Anuj Chaudhary, Lalit Kumar and Dayaram assaulted the deceased with axe in furtherance of common intention and caused his death. The allegation against this applicant is this that he had been waiting outside and was in the company of the main accused persons.
6. Considered on the material present in the case diary. As it appears that this applicant had not participated in the main incident of the murder in this case, I am of this view that the applicant should be granted regular bail.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge