

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4633 of 2018**

Billu Shrivasa @ Sunil Shrivasa S/o Babulal Shrivasa Aged About 40 Years R/o-
Lal Khadan, Police Station Torwa, District- Bilaspur, Chhattisgarh., District :
Bilaspur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri U.S. Chandel, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2018**

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. 83 of 2018, registered at Police Station Torwa, District Bilaspur, Chhattisgarh for the offence punishable under Section 302/ 34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 5.3.2018 and has been falsely implicated in this case. No case of murder is made out against the applicant on the basis of the material placed

before the Court by the prosecution. At the most, he can be held responsible for the offence under Section 25 of the Arms Act. Neither this applicant had motive nor he had conspired with the co-accused murder to the deceased. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsels for the State oppose the bail application and the submissions made in this respect. It is submitted that the evidence is present that the applicant was also participant of the said commission of offence. Hence, for these reasons, he is not entitled for grant of bail.

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

5. According to the prosecution case, on the date of incident the applicant, co-accused, deceased – Durgesh Suryawanshi and others were present on the spot on the occasion of celebrating birthday of one Chandraprakash. It was at that time, on account of some dispute, co-accused – Gudda Thakur @ Rambachan took the country-made unlicensed pistol in the possession of the applicant and fired the same on deceased – Durgesh Suryawanshi, getting injured and the deceased died in between when he was taken to the hospital. Hence, this case.

6. Considered the material present in the case-diary. As the investigation is complete and there are no further facts to be disclosed against the applicant regarding his role in this case, I am of the view that in this case the applicant deserves to be enlarged on 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 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge