

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5003 of 2018

- Dipesh @ Pappu Dewangan S/o Rajkumar, Aged About 32 Years, R/o Juna Bilaspur, Near Shanti Lodge Lane, Police Station City Kotwali, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Torwa (wrongly mentioned as City Kotwali in the order sheet), District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Shri Atanu Ghosh, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application filed before this Court was dismissed as withdrawn. The applicant has been arrested on 13-05-2018 in connection with Crime No.187/2018 registered at P.S. - Torwa, District Bilaspur, Chhattisgarh for the offence under Section 365, 304 Part II, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 13-05-2018. No case is made out against the applicant. It is true that this applicant accompanied the deceased and main accused person when they were partying and having drinks, but then this applicant had separated and left the company of the main accused and the deceased before the other incident that has taken place. According to the material present in the case diary, no case is made out against this applicant. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant was involved in the offence committed. Hence, he is not entitled for grant of bail.

4. Learned counsel for the objector adopting the argument advanced by the State submits that no case is made out for grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the case against the applicant and other co-accused persons, on 11-05-2018 at about 10.30 p.m. the main accused Jani Dhruv along with two others took the deceased Sanjay Sahu with them from his house on the pretext for partying and after that they met this applicant and others and they had some rounds of drinks, subsequent to that, the main accused Jani Dhruv along with the deceased and this applicant left for the place of residence of the deceased, in between, this applicant got down from the car. Later on, the deceased was found dead on the next day. Hence, this case.

7. After considering on the material present in the case diary, it appears that main allegation is against Jani Dhruv. It is also statement of the witnesses that this applicant had got down in between before the incident took place. Hence, for these reasons, I am of this opinion that this applicant should be granted regular bail.

8. 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge