

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5311 of 2018

- Ganesh Narayan Uraon, S/o Jairam Uron, aged about 29 years, R/o Nearby Primary School, Nawagarh, Pachpedi, Police Station Panki, Palamu (Jharkhand)

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, District Magistrate, Korba, District Korba (C.G.)

---- Non-applicant

For Applicant

:Mr. Rahul Mishra, Advocate.

For Non-applicant/State

:Mr. Anil S. Pandey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/08/2018

1. Heard.
2. 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. 07/2018 registered at Police Station- Shyang, District Korba (C.G.) for the offence punishable under Sections 302, 397, 398, 120-B, 109, 412, 420, 467, 468 & 471 of the Indian Penal Code and Sections 25 & 27 of the Arms Act.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the alleged offence as there is no direct allegation against the applicant that he was involved in the murder of deceased -Vastva Vaishnav. Hence, it is prayed that applicant be enlarged on regular bail.

4. Learned State counsel opposes the bail application and submits that memorandum statement given by the accused/applicant clearly shows his involvement in the offence in question and, therefore, he is not entitled to be released on bail.
5. Heard both the parties and perused the case diary.
6. It is alleged that deceased Vastva Vaishhav, who was driver of Scorpio Vehicle No. C.G.-12-AK-355, was murdered by the accused persons namely Ankit, Mukesh and Ravi Sidar for the purpose of looting the said vehicle. It is further alleged that the applicant, knowing fully well that the said vehicle was the looted property, with the help of other co-accused persons, after changing the number plates of the said vehicle, sold the same to one Ashok Choudhary and thereby committed the aforesaid offence.
7. Considering the material present in the case diary, I am of the view that the applicant is not involved in the alleged offence directly as it appears from the record that the present applicant has come into picture subsequently after the offence of murder, which was committed by the other co-accused persons, therefore, the applicant is entitled to be benefited with grant of regular bail.
8. 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 Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

D/-