

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5785 of 2018**

Ashok Kumar Choudhary, S/o. Mohan Choudhary, Aged About 22 Years, R/o.- Karma, P.S.- Lesliganj, District- Palamu (Jharkhand).

---- Applicant**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station- Shyang, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

31/08/2018

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.07/2018, registered at Police Station- Shyang, District – Korba (C.G.) for the offence punishable under Section 302, 397, 398, 109, 412, 120-B, 123, 420, 467, 468, 471 of the Indian Penal Code and Section 25, 27 of Arms Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 03.04.2018. No case is made out against him according to the material present in the charge-sheet. The applicant has been implicated only on the basis of the memorandum statement given by the co-accused persons. The seizure of photocopy of RC book of the looted vehicle by itself does not connect him with the offence committed. Similarly placed co-accused persons in this case namely Ganesh Narayan has been enlarged on bail by this Court vide order dated 17.08.2018, passed in M.Cr.C. No.5311/2018. 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 purchased the vehicle, which was looted by co-accused persons after murdering the deceased Vastav Vaishnav. Hence, looking to the involvement of this applicant in this case, he is not entitled to be released on regular bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case against the applicant is this that Vastav Vaishnav, who was driver of the Scorpio Vehicle No.C.G.-12-AK-355 was murdered by the co-accused persons Ankit and Mukesh and the vehicle was looted. Thereafter, the looted property was sold to Ganesh Narayan, which was again sold to this applicant.
6. Considered the submissions made and the contents of the case diary. The seizure of the vehicle in this case has not been made from this applicant. Hence, looking to the evidence i.e. proposed against the applicant for his prosecution in this case, this Court is of the opinion that present is a fit case, in which, this 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