

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6596 of 2018**

Rajkumar @ Munna, S/o Shri Ramdheen Jaiswal, aged about 45 years,
R/o MIG 77, Housing Board, Bhilai, District Durg (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Jamul, District Durg(CG).

---- Non-applicant

For Applicant	: Ms. Aditi Singhvi, Advocate.
For Non-applicant	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.10.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.359/2018 registered at Police Station Jamul, District Durg for the offence punishable under Sections 120-B, 115, 34 of IPC and Section 25 of Arms Act.
3. Case of the prosecution, in brief is that on 19.08.2018, on the memorandum of the applicant, one 06 round automatic revolver was seized from him. He had hatched conspiracy with Vijay Menon to kill Bholu @ Rakesh Shrivastava. The complicity of alleged conspiracy has been mentioned in the memorandum of the applicant, which is not admissible in evidence.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant.

6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. As per enclosed photocopy of arrest memo of applicant, no criminal antecedent is reported against the applicant.
8. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-