

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6924 of 2018**

Anup Kumar Tiwari @ Golu, S/o. Shri Bharat Tiwari, Aged About 25 Years,
R/o. Village- Bahuwara, Tahsil- Bariya, Police Station- Dhokti, District- Baliya,
Uttar Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station- Sirgitti, District- Bilaspur,
Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Aaditya Sharma, Advocate
For Respondent	:	Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****30/10/2018**

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.112/2018, registered at Police Station- Sirgitti, District – Bilaspur (C.G.) for the offence punishable under Section 302, 201, 120-B, 34 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 24.04.2018. No case is made out against him according to the material present in the charge-sheet. This applicant is not a part of the conspiracy, he has simply on asking of one of the co-accused provided motor cycle and shelter to the accused persons unknowingly about the incident. 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 has been clearly named that he is one of the conspirator in the commission of offence, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The prosecution case in brief is this that one co-accused Prabhunath Singh gave contract to kill, which was executed by the co-accused persons. The role of this applicant is mentioned in the memorandum statement of one co-accused that he provided a motor cycle for conveyance to the main accused persons and then also provided them shelter.
6. Considered the submissions made and the contents of the case diary. On due consideration on all the material and the evidence present in the case diary against this applicant, this Court is of the opinion that present is a fit case, in which, the 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