

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7512 of 2018**

- Chandra Prakash S/o Shiv Kuar Aged About 30 Years Caste Lodhi R/o Village Dakachaka Police Station Patharia District Mungeli Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer Police Station Patharia District Mungeli Chhattisgarh

---- Respondent

For Applicant	:	Shri Uttam Pandey, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****29/10/2018**

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 on 19.03.2018 in connection with Crime No.85/2013 registered at Police Station Patharia, Distt. Mungeli (CG) for the offence punishable under Sections 341, 294, 506, 307, 302, 201, 364, 147, 148, 149, 120B and 323 IPC.
2. Despite at two occasions, the State counsel was directed to produce the case-diary, again today the case-diary has not been produced and the State counsel is unable to substantiate that why the case-diary for the three consecutive dates has not been produced. Therefore, under the circumstances, the case is heard

on merits on the basis of the contents of the order.

3. As per the order on 03.05.2013 a report was made by one Mahendra Singh Verma that while he was going village Bhulankapa, at that time Ganga Prasad Verma came and informed that he saw a truck was stationary and few persons were standing they tried to stop the motorcycle, which was coming and thereafter one of the person who was standing at the back of the truck assaulted the persons who were riding on the motorcycle on the head, whereby Gangaprasad Verma sustained injury and succumbed subsequently. Few of the accused namely Kanti Kumar Rajput, Bhupendra Singh, Arun, Uma Shankar and Dhananjay were tried and they were acquitted, subsequently, the present applicant has been arrested as he was absconding.
4. Learned counsel for the applicant submits that it is only on the statement of Kanti Kumar Rajput, the present applicant has been inculpated and there is no direct evidence available and even on the basis of the main evidence, the other accused have been acquitted, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the applicant was absconding, therefore, the benefit of bail may not be extended.
6. Perused the record and the order. Considering the fact that the other co-accused have been acquitted and the present applicant prima facie appears to be inculpated on the basis of the statement of the other co-accused, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with

one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu