

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 8017 of 2018**

Kundan Tiwari, S/o. Purshottam Tiwari, Aged About 22 Years, R/o. Chandandih, Latehar, Police Station- Latehar, District- Latehar, Jharkhand.

**---- Applicant****Versus**

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

**---- Respondent**


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For Applicant : Mr. Rahul Mishra, Advocate

For Respondent : Mr. Ashish Shukla, G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****31/10/2018**

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.07/2018, registered at Police Station- Shyang, District – Korba (C.G.) for the offence punishable under Section 302, 397, 398, 120-B, 109, 412, 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. There is no legally admissible evidence against the applicant to support this allegation that he was engaged in commission

of offence of murder and loot. 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 name of this applicant has appeared in the memorandum statement given by co-accused Ankit that this applicant was the person, who had helped in preparation of commission of crime at the initial stage and the applicant himself has stated in his memorandum statement about the role played by him in disposal of property of loot. Apart from that four live cartridges have also been seized from the possession of this applicant. 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 co-accused persons namely Ankit, Mukesh and Ravi Sidar murdered the driver Vastva Vaishnav and looted the Scorpio Vehicle No.C.G.-12-AK-355. The allegation against this applicant is this that his name has appeared in the memorandum statement as facilitator in the commission of offence and at his instance four numbers of live cartridges have also been recovered from the possession of this applicant.
6. Considered the submissions made and the contents of the case diary. After considering on the evidence i.e. proposed for prosecution of this applicant in this case and for the reason that the case is now before the trial Court, 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