

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3020 of 2019

- Uttam Kumar Chandravanshi, S/o Ganesh Chandravanshi, Aged About 30 Years, R/o Ladigarh, Police Station Chainpur, District Palamu, Jharkhand

---- Petitioner

Versus

- The State Of Chhattisgarh Through Police Station Kotwali, Raipur Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Lukesh Mishra, Advocate
Shri Rajesh Singh, Dy. GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

18/06/2019

1. This applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.109/2012, registered at Police Station Kotwali, District Raipur, for the offence punishable under Sections 302, 307, 120 (B) read with Section 34 of IPC.
2. The applicant along with co-accused Jaiprakash Gupta @ Prem Raghuni, Pankaj Kumar Sharma, Shashi Bhushan Sao, Ravi Verma and Lala Ram Banjare have been charge sheeted for the offence under Sections 302, 307, 120-B read with Section 34 for hatching conspiracy and committing murder of Dilip Adwani (since deceased) sometimes in the year 2012.

3. There is no dispute that the applicant is in detention since 22-5-2012 and has undergone the entire trial till the stage of recording of accused statement when additional charge sheet came to be filed against all the accused persons.
4. The present is the first bail application by the applicant. It has been posted before this Court for the reason that this Court had earlier dealt with and dismissed the bail application of co-accused Jaiprakash Gupta @ Prem Raghuni on 13-7-2018 passed in M.Cr.C.No.3716 of 2018.
5. By an order passed on 5-12-2018 in Special Leave to Appeal (Cri.) No(s).7215 of 2018 the Supreme Court has allowed the bail to the said Jaiprakash Gupta @ Prem Raghuni with the following observation :

“The petitioner has been in custody for more than six years and we are little surprised that a supplementary chargesheet was filed at the stage of recording the statement of the accused under Section 313 of the Criminal Procedure Code.

Considering all these facts, we are of the view that the petitioner should be granted bail on such terms and conditions as may be imposed by the Trial Court. It is ordered accordingly.”

6. The ground on which the bail has been allowed by the Supreme Court in favour of Jaiprakash Gupta @ Prem Raghuni would apply to the present applicant also. Applying the same order of the Supreme Court, this Court has allowed regular bail to co-accused Lala Ram Banjare in MCRC No.7556/2018. Thus, considering all aspects of the matter, this Court is inclined to release him on bail. Accordingly, the application is allowed and

the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with two local sureties for the like amount 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/-
Prashant Kumar Mishra
Judge

Nirala