

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3257 of 2019**

Sonu Kumar Bhuiya, S/o Bhikhari @ Bihari Ram, aged about 20 years, R/o Village Pushnarayan, P.S. Lessiganj, District Plamu (Jharkhand).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Balrampur, District Balrampur Ramanujganj (CG).

---- Non-applicant

For Applicant	: Mr. Vikash Pandey, Advocate.
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.06.2019

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.159/2018 registered at Police Station Balrampur, District Balrampur Ramanujganj for the offence punishable under Sections 302, 120(B), 201, 392, 420 of Indian Penal Code and Sections 25 & 27 of Arms Act.
3. Case of the prosecution, in brief is that on 18/19.08.2018 at the bank of Dahbora Nullah at village Dhaborapata Daldoha, the dead body of the deceased Kapil Chodhury was found in injured condition. Deceased was running a taxi bearing registration No.CG15DH0001. On 18.08.2018, deceased had parked said vehicle in stand at Ramanujganj. During the investigation, it was found that applicant, co-accused Tajmul Ansari, Mohd. Zahoor Ansari, Ashish, Lalan hatched a conspiracy and in a preplanned manner they murdered deceased and robbed his said vehicle.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is an 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 bail application. However, he submits that there is no criminal antecedent is reported against

the applicant in police case diary.

6. Now this Court considers what material is available against the applicant.

7. As per alleged memorandum of the applicant, one knife was seized from him, which was produced from culvert of Daldoha ghat. This is not the prosecution case that alleged blood like stains was found on the alleged seized knife which was seized at the instance of 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. Accordingly, the bail application is allowed.

9. 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.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-