

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3651 of 2019

- Saiyed Mohammed Imran, S/o Saiyyed Mohammed Aslam, Aged About 25 Years, R/o Dhadkidih Stokin Road, House No. L-4/29, Police Station Bishtupur, District Purvisinghbhoom (Jharkhand)., District : Purbi Singhbhum, Jharkhand

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Azad Chowk Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Navin Shukla, Advocate.

For Non-applicant/State – Shri Subhash Yadav, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-01-2017 in connection with Crime No.310/2016 registered at P.S. - Azad Chowk Raipur, District Raipur, Chhattisgarh for the offence under Section 307, 302, 201, 34, 120-B of the IPC & 25, 27 of Arms Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. He has been made accused in this case only on the basis of memorandum statement given by one co-accused person. The applicant is in jail since 28-01-2017. A number of witnesses have been examined by the prosecution and none of them have made any statement against this applicant. The complainant S. Suryaprakash (PW-1) has been examined who has not made any statement regarding involvement of this applicant in the murder of the deceased. Similarly placed co-accused persons have been granted bail. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the memorandum statement given by the co-accused, this applicant was facilitator of the crime committed, therefore, his application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident M. Ajay Kumar, the Manager of Kitply Industry was shot dead by two unknown persons. During investigation it was disclosed that the murder had been done by some contract killers and the allegation against his applicant is this, that in the memorandum statement of the co-accused person it has been stated that he was one of the facilitators.
6. After considering on all the material present in the case diary and also the certified copy of the deposition of the main witness of this case, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge