

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6191 of 2019**

- Vimal @ Vimlesh Singh S/o - Nathuni Singh Aged About 32 Years R/o - Ward No. 2, Maniyar, Police Station Maniyar, District Baliya Uttar Pradesh.

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sirgitti, District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Mr. Nitesh Shriwas, Advocate.
For Respondent	:	Mr. Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/12/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 112/2018 registered at Police Station - Sirgitti, District Bilaspur (C.G.) for the offence punishable under Sections 302, 201, 120-B, 34 of IPC.
- The prosecution story in brief is that, co-accused Prabhu Nath Singh had some enmity with deceased Shankar Prasad. Therefore, co-accused Prabhu Nath Singh gave a contract to kill the deceased to the present applicant Vimal @ Vimlesh Singh who, in turn, got the contract of murder executed by other co-accused persons. After completion of investigation, offence has been registered against the applicant and he has been arrested.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecution against him is based

only on circumstantial evidence and other co-accused namely Prabhu Nath Singh, Anup Kumar Tiwari @ Golu, Harish Paswan, Babu @ Ghanshyam Upadhyay have already been granted bail by this Hon'ble Court in MCRC Nos. 5406/2018 passed on 14/08/2018, 6924/2018 passed on 30/10/2018, 3463/2019 & 3686/2019 passed on 30.07.2019 respectively. He is in jail since 28.05.2019, therefore, the present applicant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant and further considering the fact that other co-accused persons have already granted bail by this Court and trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge