

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9499 of 2018**

Ankit Kumar Dwivedi S/o Chandra Kant Dwivedi Aged About 22 Years R/o Village Navadih, Murup, Police Station Latehar, District Latehar Jharkhand, District : Latehar, Jharkhand.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Nitesh Shrivastava, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.01.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.7 of 2018, registered at Police Station – Shyang, District – Korba, Chhattisgarh for the offence punishable under Sections 302, 397, 398, 120B, 109, 412, 420, 467, 468 and 471 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 3.4.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The memorandum statement given by this applicant is not legally admissible evidence in this case. Co-accused

persons, namely, Ganesh Narayan Uraon, Ashok Kumar Choudhary and Kundan Tiwari have been granted regular bail by this Court. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant is one of the main accused who has committed the offence of murder, loot and dacoity. Hence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. It is alleged that deceased – Vastav Vaishnav, who was driver of Scorpio vehicle bearing registration No. C.G.-12-AK-3559 was murdered by this applicant and two accused persons for the purpose of looting the said vehicle.

6. Considering the material present in the case-diary, I am of the view that the present is not a fit case for grant of regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge