

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 49 of 2019

- Rajesh Kumar S/o Ramadhar Sharma Aged About 35 Years R/o Ward No.11, Shanti Nagar, Near Krishna Girls College, Jahanabad, District Jahanabad Bihar.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bemetara, District Bemetara Chhattisgarh.

---- Respondent

For Applicant : Shri Malay Shrivastava, Advocate.
For Respondent/State : Shri DP Singh, Dy. AG.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

06/03/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 229/2018, registered at Police Station –Bemetara, District- Bemetara (C.G.) for the offence punishable under Section 302, 201, 392 & 411 of the IPC.
2. In this case, there are seven accused persons. As per prosecution story, deceased Sanjay Chourasiya driver of Truck bearing registration no. MP 33 H 5786 resident of Chhatarpur (M.P.) came to Raipur (C.G.) on 19.04.2018 along with his conductor namely Prem Anuragi. Allegedly, on 23.04.2018, co-accused Aadesh Khamra and Jaikaran Prajapati murdered the said truck driver and conductor and they have also looted the

said truck, they have throw dead body of Sanjay Chourasiya/driver in Shivnath river and dead body of Prem Anuragi/conductor in Ratanpur. It is further alleged that they have sold the said looted truck to the present Applicant for consideration amount of Rs. 7,25,000/- and thereafter the Applicant along with other co-accused persons namely Shashikant Kumar and Ramnivash Kumar were searching purchaser for the said truck at Bhopal (M.P.). On suspicious condition, the Applicant and above said two accused persons were arrested on 23.11.2018 at Bhopal (M.P.) and since then they are in custody.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that the allegation against the Applicant is only that he purchased the said truck from the co-accused persons and on the same facts the co-accused persons namely Shashikant Kumar and Ramnivash Kumar have already granted benefit of regular bail by the Sessions Court Bemetara itself. The Applicant is in custody since 23.11.2018 and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the co-accused persons namely Shashikant Kumar and Ramnivash Kumar have already granted benefit of regular bail by the Sessions Court Bemetara itself, the Applicant is in custody since 23.11.2018 and trial will likely to take some time, without

further commenting on merits of the case, I am inclined to release the Applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 2,00,000/- with two local solvent sureties each of Rs. 1,00,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge