

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4539 of 2020**

- Ramakant Patel, S/o Ramsesh Patel, aged 40 years, R/o Siddhi Vinayaka, Asapuram, Yadunandan Nagar, Tifra, Bilaspur, District Bilaspur. (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Civil Lines, Bilaspur, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Shri Malay Shrivastava, Adv.
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****26/08/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.379/2020, registered at Police Station – Civil Line, Bilaspur (C.G.) for the offence punishable under Sections 302, 201 and 120-B IPC.
2. The prosecution story, in brief, is that on the memorandum statement of the co-accused Phool Singh Chedaiya, FIR was lodged in the police station to the effect that the deceased had borrowed a sum of Rs.1,50,000/- @ of 5% from Phool Singh Chedaiya and the same was not returned by him. On this pretext, the main accused Phool Singh Chedaiya has committed murder of deceased Gulab Singh Thakur. It is the allegation of the prosecution upon the present applicant that the present applicant was engaged in criminal conspiracy with the main accused Phool Singh Chedaiya. Based on this, offence has been registered. The present applicant has been taken into custody on 08.06.2020.

3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the case. He further submits that the entire incident has been done by the main accused Phool Singh Chedaiya and on his memorandum statement the present applicant has been arrested. He also submits that the present applicant was not present at the spot and no seizure has been made from him. He also submits that the applicant is in custody since 08.06.2020 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that planning of incident has been mentioned by the present applicant in his memorandum statement and there is call details in the case which shows that the present applicant had talked with the co-accused.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the main allegation is against co-accused, the applicant is in custody since 08.06.2020 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge