

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6140 of 2020

1. Anil Shastri, S/o Bhagwat Prasad, Aged About 24 Years
2. Dilesh Pankaj, S/o Rajeshwar, Aged About 22 Years

Both R/o Village Meubhatha, Police Station Pamgarh, District
Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Pamgarh, District
Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa,
Chhattisgarh

---- Respondent

For Applicants
For Respondent

Shri F. S. Khare, Advocate
Ms. Veena Nair, Dy. AG

Hon'ble Justice Shri Gautam Chourdiya

Order On Board

02/12/2020

1. The applicants have preferred this first bail application under Section 439 of CrPC, as they have been arrested in connection with Crime No.212/2020, registered at Police Station Pamgarh, District Janjgir-Champa (C.G.) for the offence punishable under Sections 302 & 201 read with Section 34 of IPC.
2. At the outset, learned counsel for the applicants seeks permission of the Court to withdraw the bail application in respect of applicant No.1 **Anil Shastri**.
3. Accordingly, the bail application in respect of applicant No.1 **Anil**

Shastri is dismissed as withdrawn.

4. Heard the bail application in respect of applicant No.2 Dilesh Pankaj.
5. The case of the prosecution in brief is that the applicant No.2 Dilesh Pankaj was a friend of applicant No.1 Anil Shastri. On the date of incident i.e. on 04.07.2020, the applicant No.1 Anil Shastri called Rajkumar Shastri over his mobile phone and thereafter the assault was made over Rajkumar Shastri by Anil Shastri, Dilesh Pankaj and one more juvenile accused, due to which Rajkumar died. No other material evidence was recorded against the accused persons except the memorandum statement of the applicant No.2 Dilesh Pankaj.
6. Learned counsel for the applicants submits that the applicant No.2 has been falsely implicated in the present case and merely on the basis of suspicion of land dispute between the applicant No.1 and the deceased, the applicant No.2 has been arrested
7. Learned State counsel opposes the bail application.
8. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the nature and quality of evidence available against the applicant No.2, as is seen from the case diary including the memorandum of the applicant No.2, without expressing anything on the merit of the case, this Court is inclined to release the applicant No.2 Dilesh Pankaj on bail.
9. Accordingly, the bail application is allowed and it is directed that in the event of applicant No.2 **Dilesh Pankaj's** executing a

personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the Trial Court, the applicant No.2 **Dilesh Pankaj** be released on bail. He is directed to appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

10. It is made clear that the applicant No.2 **Dilesh Pankaj** shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
Gautam Chourdiya
Judge

Nirala