



2025:CGHC:5916

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR**

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SMT
NIRMALA
RAO

MCRC No. 309 of 2025

1 - Hemraj Singh S/o Nathu Singh Aged About 35 Years R/o Village Karkeli,
Police Station Navrojabad, District Umariya Madhya Pradesh

... Applicant**versus**

1 - State Of Chhattisgarh Through Police Station Gaurela, District Gaurela-
Pendra-Marvahi Chhattisgarh

... Respondent

(Cause Title is taken from Case Information System)

For Applicant	: Mr. Manoj Paranjpe, Advocate.
For State	: Mr. Vinay Pandey, Dy. A.G.

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****31.01.2025**

1. The applicant has preferred this first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the grant of regular bail pertaining to Crime No. 384/2022 registered at Police Station – Gaurela, District Gaurela-Pendra-Marvahi (C.G.), for the commission of offences punishable under Sections 302, 364, 397, 120-B, 201, 468 & 411 of the Indian Penal Code.
2. As per the prosecution story, the body of the missing person namely, Nandu Kashipuri was found on the railway track of Cabin Dafai near Pole No.915/18 to 915/20 on 7.9.2022 in village Bijuri under the police station Bijuri, District Annuppur, Madhya Pradesh. The merg was registered and

the police station Gaurela was intimated pursuant to a missing report. An FIR was registered on 30.9.2022. During the course of the investigation, the police arrested four persons namely, Ramashankar Soni, Rohit Yadav, Smt. Savitri Yadav and the present applicant. Ramashankar Soni in his statement recorded under Section 27 of the Evidence Act stated that the vehicle belonging to the deceased was sold with the help of the present applicant. The other co-accused admitted the fact in their memorandum statement that the offence was committed by them. The applicant was arrested on 9.11.2024 and the charge sheet has been filed.

3. Learned counsel for the applicant would submit that there is no allegation against the present applicant with regard to the commission of murder of the deceased namely, Nandu Kashipuri. He would further submit that he has been arrayed as an accused on the basis of the memorandum statement of Ramashankar Soni (main accused). He would also submit that the applicant is in jail since 9.11.2024 and if the entire prosecution story is accepted in its entirety, the offence punishable under Section 201 of the IPC would be made out against the applicant. He would further contend though there were 18 criminal antecedents but the applicant has been acquitted in 16 cases and two criminal cases for minor offences are pending consideration.
4. On the other hand, the learned counsel for the State would oppose the submissions made by counsel for the applicant. He would submit that at this stage, the involvement of the present applicant in the commission of crime cannot be denied. He would further submit that the vehicle of the deceased was sold with the help of the present applicant and the applicant had knowledge of the commission of murder of Nandu Kashipuri. He would also submit that the applicant has committed the offence punishable under

Sections 201, 441 & 468 of IPC, and therefore, the application deserves to be rejected.

5. Heard learned counsel for the parties and perused the case-diary.
6. According to the contents of the FIR, memorandum statements of the accused persons and the statements of the witnesses, it is quite vivid that Ramashankar Soni, Rohit Yadav and Smt. Savitri Yadav were involved in the commission of murder of Nandu Kashipuri. No one has named the present applicant in the commission of murder of Nandu Kashipuri. The allegation depicted in the memorandum of Ramashankar Soni is that he helped the accused persons in selling the Bolero vehicle belonging to the deceased. Further, there were 18 criminal cases against the applicant but he has been acquitted in 16 cases and only two criminal cases for minor offences are pending.
7. Taking into consideration the fact that the applicant was not involved in the commission of murder of Nandu Kashipuri, he is in jail since 9.11.2024 and the charge-sheet has already been filed, I am inclined to allow this bail application.
8. Accordingly, the bail application is **allowed**. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such fact to the Court;
 - (ii) He shall not act in any manner which will be prejudicial to a fair and expeditious trial;
 - (iii) He shall appear before the trial Court on each and every date given to him by the said Court till the disposal of the trial; and,

(iv) He shall not involve himself in any offence of a similar nature in future.

The observation made in the course of this order is only for considering the case of the applicant on the application for the grant of regular bail. The concerned trial Court shall not be influenced or bound by any observation made in the course of this order.

9. Certified copy as per rules.

Sd/-

(Rakesh Mohan Pandey)
Judge

Nimmi