

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3496 OF 2015**

Himanshu Sharma @ Rampi Sharma son of Ramjeevan Sharma, aged about 24 years, resident of Kanwalpur, Post-Chhinbhog, Police Station & Tahsil-Mungeli, District-Mungeli (CG)

---Applicant**Versus**

State of Chhattisgarh Through : Station House Officer, Police Station-Takhatpur, District Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. M.K.Jaiswal, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/08/2015**

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.124/2012, registered at Police Station-Takhatpur, District-Bilaspur (C.G.), for the offence punishable under Sections 302 (three times)/34, 120B and 459 of the IPC.

2. Case of the prosecution, in brief, is that, on 2.6.2012 the present applicant hatched the conspiracy with other three co-accused persons and murdered Baliram, Koushlya Bai and Chandrabhaga Bai by entering into the house of Baliram Pandey.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. Learned counsel would further submit that main accused Mayank Pandey

alleged to have committed the offence, the applicant in jail since 3.7.2014, charge-sheet has already been filed and no useful purpose would be served by detaining him in jail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that the applicant along with other co-accused persons have hatched the criminal conspiracy and thereafter murdered three persons and mobile used in commission of offence has been recovered from the possession of the present applicant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; considering the severity of the punishment and the manner in which the applicant along with other co-accused persons alleged to have caused death of three persons and considering the material collected on behalf of the prosecution and recovery of the article from the possession of the applicant, this Court is not inclined to release the applicant on regular bail.

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

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-