

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6376 of 2015

1. Set Kumar Yadav, son of Samelal Yadav, aged about 22 years, R/o. Village – Harda (Nawagaon) Police Station - Basna, Civil and Revenue District – Mahasamund (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Saraswati Nagar, Raipur, Civil & Revenue District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Janak Ram Verma, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/11/2015

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.124/2015, registered at Police Station – Saraswati Nagar, District – Raipur (C.G.) for the offence punishable under Section 307, 364, 120(B) and 328 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the victim Vijay Kumar Sahu was assaulted and his neck was chopped and was thrown under the bridge, wherein he was recovered thereafter on being investigation, it was found that Vijay Sahu who had a relation with a girl namely Geetanjali Panda and she insisted him for marriage, however, marriage could not be performed and therefore, Geetanjali Panda given a contract to kill the Vijay Kumar Sahu to this applicant and paid certain amount and thereafter, Aish Nath, Setkumar and Sushil were contracted to execute the work and on the date of incident the injured

was administered some sedative in the milk by Geetanjali Panda and he was taken and handed over to this applicant alongwith other co-accused and thereafter neck of the victim was chopped and he was thrown out under the bridge and thereby the offence was said to be committed.

3. Learned counsel for the applicant would submit that there is no evidence against this applicant and no recovery has been made from the applicant. He would further submit that only on the basis of the memorandum statement, the applicant has been inculpated and there is no evidence against this applicant. He would further submit that the Rojnamcha and the statement of the victim also did not support the case of the prosecution. He would further submit that the applicant is in jail since 18.07.2015, therefore, he would pray that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application. He would submit that on being investigation Car used in the crime was recovered and the regular bail of the owner of the car has been rejected by the coordinate Bench of this Court. Taking into the conspiracy and the way the offence has been committed, as he is the main accused and he took the contract to execute the job and therefore, he is not entitled for bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statement and the evidence collected by the prosecution and also the records of mobile numbers and also memorandum statement on which the car was recovered. Considering the evidence against this applicant, the way the offence has been

committed, since the offence under Section 120B of IPC, the charge sheet has been filed and taking into the statement of the witnesses and further taking into the fact that the bail of the co-accused, Aishnath is rejected on 25.08.2015 in M.Cr.C. No.4309/2015, I am not inclined to release the applicant on bail.

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

Sd/-
(Goutam Bhaduri)
Judge

Balram