

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6719 of 2015

Ku. Geetanjali Panda, D/o. Chudamani Panda, Aged About 25 Years, R/o. Village Nagedi, P.S. Rajadeori, Civil & Rev. Distt. Baloda Bazar, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through the Station House Officer, P.S. Saraswati Nagar, Raipur, Distt. Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.225/2015, 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 prays 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 the bail application of the similarly placed co-accused has been dismissed by this Court in M.Cr.C. No.6376 of 2015; therefore, the present applicant is not entitled to grant 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 memorandum statement of the co-accused. Taking into the statement of the witnesses and further taking into the fact that the bail of the similarly placed co-accused have been rejected, 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

