

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 778 of 2016**

Lav Kumar Sahu S/o Hagruram Sahu Age-52 yrs, R/o Village Lohrsi Sone
Naiyaapara P.S. Masturi, Tah. & Distt.Bilaspur (CG)

---Applicant**Versus**

State of Chhattisgarh Through P.S.-Masturi, Distt.Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Rupesh Trivedi, Advocate.
For-Non-applicant	:	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/03/2016**

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.221/2015, registered at Police Station-Masturi, District-Bilaspur (CG), for the offence punishable under Sections 302, 307, 109, 201 and 120B/34 of the IPC and Sections 4 & 5 of the Tonhi Prataarna Adhiniyam.

2. Case of the prosecution, in brief, is that, on 25.7.2015 the present applicant and other four co-accused persons murdered Sundari Bai and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that on the basis of memorandum statement of co-accused Bhrigu Kumar, the present applicant has been arrested and there is no evidence to connect the present applicant in crime in question. He would also submit that co-accused Chandrika Bai and

Bhagwat Sahu have been released on bail by a co-ordinate Bench of this Court in M.Cr.C.Nos.7023 of 2015 and 279 of 2016, therefore, he may also be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that case of the present applicant is distinguishable to that of the case of co-accused who have been granted bail as the applicant has supplied deadly weapons to his son who has assaulted Sundri Bai by the said weapons. He would further submit that there is clear-cut evidence of conspiracy against the present applicant and his active involvement in crime in question.

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 the offence; evidence available in the case diary; role played by the present applicant and the fact that his case is distinguishable to that of the case of co-accused who have been granted bail, 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-