

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5131 of 2017**

- Jhunnu Lal S/o Biganram Paikra, Aged About 50 Years R/o Village Davna, Police Station Jhilmili, District Surajpur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Jhilmili, District Surajpur Chhattisgarh

---- Respondent

 For Applicant : Shri Sachin Singh Rajput, Advocate
 For Respondent/State : Shri Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

21.11.2017

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.44/2017, registered at Police Station Jhilmili, District Surajpur (CG) for the offence punishable under Sections 147, 148, 302, 201, 120B of the IPC.
3. The applicant has been arrested for conspiracy in commission of murder of one Gorelal. As per the case of prosecution, deceased had given Rs.2,00,000/- to the applicant and he was not returning the said amount that is why there was dispute between the deceased and the applicant.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and he is arrested on

21.4.2017 and the trial may take some time, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Perused the entire material available on record.

7. As per statements of the witnesses recorded under Section 161 Cr.P.C., prima facie it appears that co-accused Kulbahadur called the deceased from his house that the applicant is calling him. Kulbahadur, the deceased and the applicant were present in the house of Kulbahadur. The applicant called one Sadanram who is co-accused in the present case. There is evidence that Kulbahadur and Sadanram have assaulted the deceased and he died homicidal death. The offence of conspiracy can be established by circumstantial evidence and that is also a subject of inference for which direct evidence is rarely available.

8. Considering the facts and circumstances of the case and the material collected against the applicant, the applicant is not entitled to be released on bail.

9. Accordingly, the bail application is rejected.

Sd/

(Ram Prasanna Sharma)
JUDGE