

HIGH COURT OF CHHATTISGARH AT BILASPUR**MISC. CRIMINAL CASE NO. 6763 OF 2017**

Sulabh Sao, S/o Shri Goverdhan Sao, aged about 26 years, R/o Village-Siha, P.S.- Pussore (Pushoure), District Raigarh (C.G.)

... Applicant

versus

State of Chhattisgarh, through District Magistrate, District Raigarh (C.G.)

... Respondent

For Applicant	:	Mr. Shyam Sunder Lal Tekchandani, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 20.8.2017 in connection with Crime No.128/2017 registered at Police Station- Pussore (Pushoure), District Raigarh, for the offence punishable under Sections 302, 307, 450, 109 of IPC.

2. Allegation against the Applicant as per the prosecution case is that the Applicant is said to have engaged one Kartik Sao as a contract killer for assaulting the family members of one Pustam Gupta. A complaint in this regard was lodged by Abhinandan Gupta that Kartik Sao on the intervening night of 12th & 13 July, 2017 is said to have entered the house of Pustam Gupta and assaulted his family members and in the course two of the family members of Pustam Gupta, that is, his wife Premshila and son Ankit, had succumbed to the injuries. In the same incident, on account of retaliating attack, the said Kartik Sao also died because of the injuries sustained.

3. After about one month from the said date, the said Pustam Gupta is said to have lodged a report against the present Applicant alleging that Kartik Sao before he died is said to have made a statement that he was engaged by the present Applicant for the execution of the work.

4. Learned Counsel for the Applicant submits that except for the vague allegation made by Pustam Gupta in respect of the alleged statement made by Kartik Sao before he died, there is no other material whatsoever gathered by the State authorities for arresting the Applicant and for prosecuting him and therefore prayed for grant of bail to the Applicant.

5. Learned Counsel for the State however opposing the bail application submits that the nature of the attack is too heinous and the allegation against the Applicant is that he has given a contract to Kartik Sao for killing the family members of Pustam Gupta and which he had done on the intervening night of 12th & 13th July, 2017 and for all these the Applicant does not deserve to be released on bail and thus prayed for the rejection of the bail application.

6. Considering the facts and circumstances of the case, particularly taking note of the fact that except for the statement of Pustam Gupta there is no other material available in the case diary with which the Applicant could be implicated in the instant case. In the given circumstances and taking into consideration the period of custody already undergone by the Applicant, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

7. Accordingly, the bail application is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge