

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8542 of 2016

1. Manish Upadhyay S/o Shri Pramod Upadhyay, Aged About 28 Years R/o Village Bagithari, Thana Kachwa, District Mizoram (U P) Temporary R/o Masjid Surajpur, Thana Surajpur, Tehsil And District Surajpur Chhattisgarh
2. Anish Upadhyay, S/o Shri Pramod Upadhyay, Aged About 25 Years R/o Village Bagithari, Thana Kachwa, District Mizoram (U P) Temporary R/o Masjid Surajpur, Thana Surajpur Tehsil And District Surajpur Chhattisgarh --- Applicants

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Surajpur District Surajpur Chhattisgarh --- Respondent

For the applicants	:	Mr. Manaynath Thakur, Advocate
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 352/2016 registered at Police Station Surajpur (C.G) for the offence punishable under Sections 302, 120-B of IPC and Sections 25 & 27 of the Arms Act.
2. As per the prosecution case, on 23.08.2016 dead body of one Umesh Pillai was found near Sutiya canal at Surajpur on 23.08.2016. It was found that he was shot dead by a country made pistol. Subsequently during investigation, it was revealed that co-accused Hansraj Agrawal and Vishnu Agrawal with whom the deceased had close nexus have conspired to kill as the deceased has prepared sexual MMS of

co-accused Hansraj and Vishnu Agrawal and on the basis of that the said co-accused were blackmailed, therefore, they made a plot to kill him and conspired with the present applicants and procured a country made pistol through the applicants by which the deceased was shot dead.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and there is no evidence of conspiracy and at the most, the offence would fall under the Arms Act against the applicants and there was no knowledge of the applicants that there was some enmity between the deceased and the co-accused, therefore, the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents and the statement of Deepak Kumar Goel and the memorandum of co-accused.
6. Considering the nature of evidence available as the conspiracy has been alleged against the present applicants and the way the offence has been committed, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**