

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1097 of 2017

1. Ku. Phulo Yadav D/o Late Sumaru Ram Yadav Aged About 33 Years R/o Village Massukokad, Police Station Pharsgaon, District Kondagaon, Chhattisgarh.
2. Smt. Pavan Bai Yadav W/o Halal Ram Yadav Aged About 35 Years Caste Raut, R/o Village Koliyari , Police Station Korar, District Kanker, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station- Pharsgaon, District Kondagaon, Chhattisgarh.

___ Respondent

For Applicants : Mrs. Renu Kochar Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

3-3-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 5-10-2016 in connection with Crime No. 84 of 2016 registered at Police Station Pharasgaon, District Kondgaon (CG) for the offence punishable under Sectionss 302, 450, 120 (B), 34 of the IPC.
2. As per prosecution case, on 29-9-2016 one Krishna Yadavs was murdered. It is alleged that the present applicants had conspired to kill the deceased as there has been some dispute in between the deceased and the applicants. The deceased was also relative of the present applicants.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in this case and there is no evidence on record to show that the applicants were involved in conspiracy of murder. It is further submitted that charge-sheet has been filed in this case, the applicants are in jail since 5-10-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of Sukhchand Yadav wherein extra judicial confession has been made before him by the present applicants along with memorandum statements the present applicants and also other co-accused Ranjit Upendi, who had executed the murder for Rs.20,000/-.
7. Taking into consideration all the facts and circumstances of the case and further considering the extra judicial confession made by the present applicants before Sukhchand Yadav and also memorandum statements of present applicant and other co-accused Ranit Upendi, I am of the considered opinion, *prima facie* that it is not a fit case where the applicants can be released on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju

