

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5625 of 2017**

- Ramesh Dewangan S/o Vipta Ram Panika Aged About 22 Years R/o Savtar, Police Station- Pratappur, District- Surajpur, Chhattisgarh Note: In The Cause Title Of The Rejection Order, The Applicants Name Has Wrongly Been Mentioned As Umesh Dewangan Whereas As Per The Arrest Memo The Actual Name Of The Applicant Is Ramesh Dewangan

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Ambikapur, District- Surguja, Chhattisgarh

---- Respondent

And**MCRC No. 5968 Of 2017**

- Akhilesh Vishavkarma S/o Sarju Vishavkarma, Aged About 28 Years R/o Village Chorkkchhor, Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Police Station Kotwali, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For respective Applicants	:	Shri Jitendra Shrivastava & Shri A.K. Yadav, Advocates
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23/11/2017**

1. Since both the bail applications are arising out of same crime No.759/2016,

therefore, they are being considered and decided by this common order.

2. These are the First Bail Applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 01.11.2016 in connection with Crime No.759/2016 registered at Police Station Kotwali, Ambikapur, District Surguja (CG) for the offence punishable under Sections 302 & 201/34 of the I.P.C.
3. As per the prosecution case, one Karam Dev Vishwakarma was murdered on 29.10.2016. It is alleged that Akhilesh Vishwakarma & Ramesh Dewangan were having some monetary dispute with the deceased as the deceased had given certain loan and when it was demanded by the deceased, he was throttled by way of a muffler and was killed by a screw driver. Subsequently, the motorcycle, which belongs to the deceased was recovered from the possession of Ramesh Dewangan and from Akhilesh Vishwakarma, the screw driver, which was used during the murder was recovered.
4. Shri Jitendra Shrivastava, learned counsel for the applicant Ramesh Dewangan would submit that the motorcycle said to have been recovered from Ramesh but the said motorcycle belongs to one Manoj Kumar Tripathi as per the document filed. It is further submitted that except that no evidence is against him, neither the motive has been proved, nor any further is on record. Likewise, Shri A.K. Yadav, learned counsel for the applicant Akhilesh Vishwakarma would submit that only screwdriver was seized from this applicant and no offence can be said to have been committed, therefore, the applicants may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. I have perused the memorandum statement of both the accused. It appears that at the behest of the applicant Ramesh Dewangan a motorcycle, which belongs to the deceased was recovered from his possession and the statement of Manoj Kumar Tripathi, who is alleged to be the owner of the vehicle has stated that the motorcycle was sold to the deceased two years back, but transfer of name could not be effected. Likewise, from Akhilesh Vishwakarma screwdriver, which was used in the crime was recovered. I have also perused the statement of one Jitendra Vishwakarma, wherein extra-judicial confession has been made. Considering the same, I am not inclined to release the applicants on bail. Accordingly, both the bail applications are dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu