

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1522 of 2017

Shashibhushan Sao @ Pintu S/o Shri Ramesh Prasad Aged About 24 Years R/o Village, Police Station Daltonganj, District Palamu, Jharkhand.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Kotwali Raipur, Chhattisgarh.

---- Respondent

For applicant - Shri N. Naha Roy, Advocate.
For Respondent/State –Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/12/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 25/11/2013 vide M.Cr.C. No.5269 of 2013.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.109/2012 registered in Police Station Kotwali, Raipur, Distt. Raipur (C.G.) for offence punishable under sections 302 r/w 34, 307 r/w 34, 120-B, 201 of Indian Penal Code, 1860, 25 of the Arms Act, 1959.
3. As per the prosecution case, date of incident is 14/05/2012. Two persons one Dilip Adwani who was subsequently killed by the gun shot and Ashok Nemani was assaulted. One Lalaram Banjare had contracted for sale of the plot and had received huge amount. While he was not executing the sale deed, he was pressurized to return the money. As such he contacted one Jai Prakash Gupta to eliminate the purchasers. Consequently, Uttam Chandrawanshi, Ravi Kumar, Pankaj Sharma and present applicant Shashibhushan were contacted and on the date of

incident on one motorcycle Ravi Kumar alongwith Uttam Chandrawanshi and Pankaj Sharma went and in another motorcycle present applicant alongwith Jai Prakash went to the spot. Thereafter, when the victim came out one gun shot was made Dilip Adwani was killed and Ashok Nemani was injured.

4. Learned counsel for the applicant submits that one of the co-accused Ravi Kumar has been enlarged on bail by the learned trial court on 27/04/2013. Thereafter, in this case supplementary challan was filed. Subsequently 26 witnesses have been named and on that ground trial has been stayed. He submits that therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the documents as also order dated 22/11/2017 passed in Cr.M.P. No.1513/2017 wherein stay of the proceeding was primarily granted on the ground that State has failed to file its reply and that was the primary reason to stay the proceeding as it was contended that trial is going on and the stay has been granted till the next date of hearing. Perused the statement of Ashok Nemani who was also injured and the documents would show that from the applicant desi revolver was seized and the conspiracy was hatched to eliminate by contract killing. Taking into gravity of the case and also I do not find any change of circumstances to re-consider this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE