

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2091 of 2018

- Ashok Pal S/o Bholapal Aged About 45 Years R/o- Village- Madhyahur, District- Gadwa, Jharkhand., District : Garhwa *, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S. Trikunda, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate.
For Respondent : Mr. Anil Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/05/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.19/2017, registered at Police Station–Trikunda, District– Balrampur-Ramanujganj(C.G.) for the offence punishable under Section 302, 120-B, 34 of Indian Penal Code, Section 4 & 5 of the Tonahi Pratadna Nivaran Act, 2005 and Section 25 & 27 of the Arms Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant is in jail since 31.7.2017. No evidence has been brought on record in the prosecution case. The statement of the co-accused persons on memorandum is not legally admissible and there is no recovery from him. Hence, under these circumstances, it is prayed that the applicant be released on regular

bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant was the master mind and the conspirator for causing death of the deceased, as he had engaged the co-accused persons to murder the deceased and had paid remuneration for the same. There is also the evidence on record to show that this applicant made a confessional statement before the Panchayat which is the evidence of extra-judicial confession, hence, no case is made out for grant of bail.
4. In reply, counsel for applicant submits that the admission made before the Panchayat on the basis of the interrogation made by the police in presence of the Panchayat, hence, this evidence is also not admissible.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, deceased Krishna Gupta was found murdered on 21.7.2017. After inquest procedure, FIR was recorded. During investigation, it was revealed on the basis of the memorandum statement given by co-accused Sunil Paswan, Nandu and Sudama, that this applicant hired the co-accused persons for murdering the deceased. Hence, this case.
7. Considered on all the material present in the case diary, after due consideration, I do not inclined to exercise the jurisdiction under Section 439 of CrPC to grant regular bail to this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

