

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.2590 of 2018**

Kishan Sahu, son of Hincharam Sahu @ Hirdaram Sahu, aged about 18 years, resident of Village Devri Khurd Atal Awash, Police Station Torwa, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Station House Officer, Police Station Torwa, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Sharmila Singhai, Advocate
For Respondent	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****9.5.2018**

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.421 of 2017 registered at Police Station Torwa, District Bilaspur for offence punishable under Sections 115, 115(2), 120B, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 10.12.2017, co-accused Lakhan Kashyap, along with a knife which is operated by a button and cash of Rs.26,560/- in his possession, was caught by the police and interrogated. During the interrogation, he disclosed that he, along with other co-accused persons, had made a plan to commit murder of one Minakshi, who was girl friend of Ashish Kashyap, uncle of co-accused Lakhan Kashyap. It is alleged that for committing murder of Minakshi, the present Applicant and other

co-accused had taken a sum of Rs.1,00,000/- as advance. During investigation, one auto has been seized from the present Applicant. It is alleged that the present Applicant and other co-accused were going in the said auto to commit murder of Minakshi.

3. Learned Counsel appearing for the Applicant submits that the Applicant has falsely been implicated. According to the prosecution, the main accused persons are Lakhan Kashyap and Dhanraj Kshani, who had conspired to commit murder of Minakshi. Dhanraj Kshani has already been granted benefit of regular bail by this Court vide order dated 16.3.2018 passed in M.Cr.C. No.254 of 2018. There is nothing on record to show that the present Applicant was involved in making plan to commit murder of Minakshi. He has falsely been implicated in the case on the basis of memorandum statements of other co-accused. Charge-sheet has already been filed. He is in custody since 10.12.2017.
4. Learned Counsel appearing for the Respondent/State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Considering the facts and circumstances of the case, particularly the fact that one of the conspirators/main accused Dhanraj Kshani has been extended the benefit of bail, also considering the alleged role of the Applicant in the crime in question and that he is in custody since 10.12.2017, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one local solvent surety in the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE