

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3561 of 2018

Shrawan Kumar, S/o. Shri Rajendra Ram, Aged About 34 Years, R/o- Village Ramanujanj, Ward No. 6, P.S.- Ramanujanj, District- Balrampur-Ramanujanj, Chhattisgarh.

---- Applicant

Versus

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

----Respondent

M.CR.C. No. 3912 of 2018

Sudama Bhuiya, S/o. Late Pahal Ram, Aged About 35 Years, R/o. Ramanujanj Koiritola, P.S. Ramanujanj, District Balrampur Ramanujanj Chhattisgarh.

---- Applicant

Versus

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

----Respondent

AND

M.CR.C. No. 3913 of 2018

Sunil Paswan, S/o. Mahendra Paswan, Aged About 22 Years, R/o. Ramanujanj Ward No. 6, P.S. Ramanujanj, District Balrampur Ramanujanj Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicants	:	Mr. Bhupendra Singh, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/07/2018

1. All the above bail applications are heard and decided together by this common order as they arising out of the same crime number and the incident.

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 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 the Indian Penal Code and Section 4, 5 of Tonhi Pratadna Act.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present on record to implicate them in the offence under Section 302 of I.P.C.. The statement of co-accused Ashok Pal on memorandum is not legally admissible evidence. Further the recovery and seizure made from these applicants does not connect them with the offence committed. Hence, it is prayed that the applicants may be enlarged on bail.
4. On the other hand, the learned counsel appearing for the State opposes the bail applications and the submissions made in this respect. It is submitted that the bail application of main accused Ashok Pal has been rejected on merits by this Court, who was the person who had hired these applicants to murder the deceased. Hence, looking to the seriousness of the allegation against applicants, they are not entitled to be released on bail.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. According the prosecution case, co-accused Ashok Pal used to have doubt on the deceased that he was playing some sorcery with his wife. The co-accused Ashok Pal hatched a conspiracy with the applicants to commit murder of the deceased and negotiated price of murder at

Rs.40,000/-. Subsequent to that on the date of incident, all these applicants arrived on the spot where co-accused Ashok Pal pointed towards the deceased, who was working on his field, where these applicants caught hold of him assaulted and caused his death. Hence, this case.

7. Considered the submissions made and the contents of the case diary. It is a case of contract killing and as alleged these applicants are the persons, who were hired by the main accused person. Looking to the nature of allegation against these applicants and further looking to the fact that the bail application of the main accused Ashok Pal has already been rejected by this Court, hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge