

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3704 of 2018

- Dipak Pandharkar S/o Narayan Rao Pandharkar Aged About 36 Years
R/o- Shiva Nagar, Jhanda Chowk, Changorabhata, P.S.D.D. Nagar,
Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station
Kumhari, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent -

For Applicant	:	Ms. K. Tripti Rao, Advocate.
For Respondent/State	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

12/07/2018

1. This is the second bail application filed on behalf of the applicant.
Earlier bail application of this applicant bearing M.Cr.C. No.8093 of
2017 has been dismissed for want of prosecution vide order dated
7.3.2018.
2. This bail application has been filed under Section 439 of the Code of
Criminal Procedure, 1973 for grant of regular bail to the applicant who
has been arrested in connection with Crime No.106/2008, registered at
Police Station- Kumhari, District-Durg(C.G.) for the offence punishable
under Sections 302, 201 & 120-B of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case without there being any evidence against him. The fact of the case is this, that the deceased had committed suicide regarding which the report of expert doctor is available on record and the ballistic report also supports it. Co-accused persons who were subjected to Narco Analysis Test have not disclosed the name of this applicant as a party to the conspiracy for committing murder of deceased. Out of 22 witnesses, 18 witnesses have already been examined during trial and none of them has stated anything incriminating against this applicant. Hence, it is prayed that he may be released on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is evidence on record that this applicant had helped co-accused Dinesh Shrivastava in committing murder of the deceased. There are witnesses who have given statement against this applicant showing his involvement in the commission of offence, hence, no case is made out for grant of bail.
5. Heard both the parties and perused the case diary.
6. The case against this applicant is this, that there had been a dispute between deceased Rajendra Nigam and co-accused Dinesh Shrivastava for the reason that the deceased was creating pressure on co-accused Dinesh Shrivastava for making payment of dues. Main accused along with this applicant and others hatched-up a conspiracy to commit murder of the deceased and this applicant had arranged for an illegal fire-arm from which the bullet was fired at the deceased which has resulted in his death. After the incident, an attempt was made by these applicants to show that that the deceased died by

committing suicide.

7. Considered on the material present in the case diary there are more than one expert opinions on record, it shall be analyzed and a proper finding shall be given by the trial Court itself and this Court cannot usurp jurisdiction of the trial Court by giving any finding in this respect. Further, after going through the case diary, it appears that there is evidence against this applicant regarding his involvement in the offence in question, hence, this Court is of the view that he is not entitled to be released on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha