

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4802 of 2018**

Paklu Thakur @ Liladhwaj Thakur (Wrongly Mentioned Lilajdhwaj) S/o Jawahar Singh Thakur Aged About 42 Years R/o Village Tenka, Post Devri, Police Station Rajim, District Gariyaband, Chhattisgarh, District : Gariyabandh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Moudhapara, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Smt. Fouzia Mirza, Advocate.
For the Respondent/State	:	Shri Ashish Shukla, G.A.
For the Objector	:	Shri Virendra Verma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.08.2018**

Heard.

1. This is the first bail application 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.89 of 2005, registered at Police Station – Maudhapara, District – Raipur, Chhattisgarh for the offence punishable under Sections 302, 147, 148, 149, 120B, 212, 216 and 34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.
2. Learned counsel for the applicant submits that the applicant is in jail since 27.4.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. The applicant was always available but he was never arrested by the police. He has been arrayed as an accused in this case only for the reason that the applicant is a member of political party. The co-accused persons who have been charge-sheeted were though convicted by the trial Court, have been acquitted in appeal by this Court in Criminal Appeal No. 275 of 2007 and other appeals by judgment dated 26.7.2018 and the applicant has a similar case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the case is of the year 2005 and the applicant had remained absconding throughout. The applicant has been recently arrested on permanent warrant of arrest issued against him by the concerned Court. Thus, the applicant has avoided the trial so far and there is evidence present against him in the charge-sheet about his involvement. Hence, for these reasons, he is not entitled for grant of bail.

4. Learned counsel for the Objector opposes the bail application and submits that no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The prosecution case is that because of business rivalry main accused - Madari @ Abrar Ahmed hatched conspiracy with other co-accused persons to commit murder of deceased – Santwant Singh Gil @ Gappu.

Contract killers Nashim and Shamim were hired who executed the contract by killing the deceased. The allegation against the applicant is that he used to be present in the meeting where the conspiracy was hatched between the co-accused persons.

7. Considering the material present in the case-diary and also taking into consideration the acquittal of the co-accused persons in the appeal before this Court, I am of the considered opinion that the applicant deserves to be released on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge