

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5406 of 2018

Prabhu Nath Singh, S/o. Shyamraj Singh, Aged About 58 Years, R/o.- 3/66,
Near B.C. College Asansol, Barddhaman, U.C. Danga, (West Bengal).

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station
Sirgitti, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Surfaraj Khan, Advocate
For Respondent	:	Mr. Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/08/2018

1. This is the second 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.112/2018, registered at Police Station- Sirgitti, District – Bilaspur (C.G.) for the offence punishable under Section 302, 201, 34, 120-B of the Indian Penal Code and Section 25 & 27 of Arms Act. The first bail application of the applicant was dismissed as withdrawn with liberty to file duly constituted application vide order dated 17.07.2018 in M.Cr.C. No.5042/2018.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 01.07.2018. No case is made out against him according to the material present in this case. Applicant has been falsely implicated only on the basis of the memorandum statement given by one of the co-accused person. The death of the deceased, which is said to have been occurred on

08.04.2018 is itself disputed as the postmortem report shows time of death between 2 to 4 days before the 10.04.2018. According to the statement of the co-accused, deceased was done to death by use of fire arm, whereas, postmortem report shows that the deceased suffered head injury, which has resulted in his death. Hence, totally improbable story has been put forth against this applicant. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that co-accused Harish Paswan has made statement that this applicant was master mind of the offence of murder in this case and there are links of the mobile number that have been seized in this case, which connected this applicant with the case. Hence, the application be rejected.
4. In reply, counsel for the applicant submitted that it is a case of no evidence against the applicant and the mobile number that has been seized from the applicant regarding that no call report has been collected in the investigation, to show his conversation with co-accused.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. The case against the applicant is this that he had dispute with deceased Shankar Prasad, regarding income of the security agency and also for the reason that he left his agency to work with some other person which caused loss to him. It is alleged that this applicant gave contract to kill the deceased, to co-accused Harish Paswan and who in turn got the contract of murder executed by other co-accused persons. Hence, this case.

7. Considered the submissions made and the contents of the case diary.
Considering the entire material present in the case diary, taking into consideration the nature of evidence i.e. proposed against the applicant for prosecution of the applicant in his case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on their furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge