

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7673 of 2018

- Om Prakash Pandey S/o Mr. Murlidhar Pandey Aged About 55 Years
R/o 67/10 Strand Road, Police Station Jorabagan, Kolkata, West
Bengal., District : Kolkata, West Bengal

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Azad Chowk, Raipur,
District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Surendra Singh, Sr. Advocate with Mr. Maneesh Sharma, Advocate.
For State/respondent	: Mr .Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/10/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.310/2016 registered at Police-Station-Azad Chowk, District-Raipur(C.G.) for the offence punishable under Sections 307, 302, 201, 34, 120B of the Indian Penal Code and 25, 27 of Arms Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case for the offence which

he has not committed. The only evidence present against the applicant in this case is the memorandum statement given by co-accused person which is not a legally admissible evidence. Hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that co-accused Abhilekh Singh has clearly made his statement in his memorandum under Section 27 of Evidence Act, that this applicant was the person who had given contract to kill the deceased and the other co-accused persons have also stated on their memorandum statement that they have met with this applicant before the co-accused person executed the contract to kill the deceased. Apart from that there is one statement given by witnesses, that this applicant have threatened to kill the deceased, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against the applicant and co-accused persons is this, that on 29.12.2016 M. Ajay Kumar the Manager of Kitply Industry was shot dead by two unknown persons. After lodging of FIR during investigation, it has been disclosed that this applicant had obtained a contract for felling trees for Kitply Industries and during the execution of that contract, this applicant had some dispute with the deceased M. Ajay Kumar. Later on, name of this applicant had appeared in the memorandum statement of the co-accused persons. Hence, this case.
6. After over all consideration on all the material present in the case diary,

I am of the view that this is a fit case where applicant should be benefited with grant of regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicant shall be released on bail on his 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha