

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8272 of 2018**

Kanha Das, S/o Shri Sudhir Das, aged about 24 years, R/o Rodopali, P.S. Tamnaar, District Raigarh (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Tamnaar, District Raigarh (CG). **---- Non-applicant**

For Applicant : Mr. Chandresh Shrivastava, Advocate.
For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****16.11.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.139/2018 registered in Police Station Tamnaar, District Raigarh for the offence punishable under Sections 302, 120B, 460, 201 of Indian Penal Code.
3. Prosecution story in brief is that on 09.06.2018 the father of the deceased Shivam Mishra found dead body of his son at his home and injury was found on his neck. During the investigation, it was found that the applicant had made illicit relation with the wife of deceased. The applicant, wife of deceased, co-accused Chanesh Ram and Suraj Bhan had raised conspiracy to kill the deceased. The applicant made an agreement a sum of Rs.1,00,000/- with co-accused Chanesh Ram and Suraj Bhan to kill deceased. For which, the applicant gave a sum of Rs.20,000/- as advance to them. The applicant, co-accused Chanesh Ram and Suraj Bhan entered into the house of deceased on 08.06.2018 at night, where co-accused Suraj Bhan and Chanesh Ram killed the deceased by axe. There are call details records of applicant, wife of deceased, co-accused Chanesh Ram and Suraj Bhan.
4. But there is no call record of conversation of them and complicity of the applicant has been shown in his own memorandum and the memorandum of Chanesh Ram, Suraj Bhan and wife of deceased.
5. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.

6. Counsel for the State opposed the prayer for grant of bail to the applicant. He further submitted that no criminal antecedent reported against the applicant in police case diary.

7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Consequently, the bail application is allowed.

8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.50,000/- each along with a personal bond in the sum of Rs.1,00,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not involve any crime in future.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-