

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7704 of 2017

- Paras Ram Sahu S/o Mansha Ram Sahu Aged About 41 Years R/o Village- Kurud, P.S.- Arang, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Arang, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sumit Jhanwar, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

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

13/02/2018

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. 386/2017, registered at Police Station- Arang, District – Raipur(C.G.) for the offence punishable under Sections 307 & 120-B/34 of the Indian Penal Code (for short 'IPC') and Section 25 & 27 of the Arms Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. It is submitted that applicant has no connection with the said conspiracy as alleged in the charge-sheet filed against him. Memorandum statement of main accused Doman Nishad discloses that it was he, who intended and was determined to cause death of injured Goverdhan Sahu @ Babala and also hired the assailants i.e. other co-accused persons. Except the memorandum of

co-accused Doman Nishad, there is no other material against the present applicant to connect him with the alleged offence. Applicant is in jail since 12.9.2017 and he is willing to abide by all the conditions and directions, which may be imposed on him while granting bail. Hence, it is prayed that applicant be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is sufficient evidence against this applicant showing that he was a part of the conspiracy, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident i.e. on 4.9.2017, some unknown persons, who has covered their face with cloth, had fired shots at injured Goverdhan Sahu @ Babla from their respective pistols causing injuries to him. Co-accused persons, were arrested on 19.9.2017. After the arrest, memorandum statement of accused Doman Nishad was recorded in which he disclosed that present applicant was also a part of the conspiracy to commit murder of injured Goverdhan Sahu @ Babla.
6. Considered.
7. Perused the entire material present in the case diary. Looking to this fact that except the memorandum statement of co-accused, there is no other evidence to connect the applicant with the crime in question, I am of this view that this is a fit case where applicant should be benefited with grant of bail.
8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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 their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha