

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 8190 of 2018**

Sujit Kumar Singh S/o Ashok Singh, Aged About 40 Years, Caste Rajput R/o Samudpur, P. S. Bakua, District Chadouli, U. P.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Katghora, District Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri G. R. Miri with Shri Basant Kaiwartya, Advocates
For Respondent/State	:	Shri Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15/11/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 26.12.2017 in connection with Crime No. 70/2009 registered at Police Station – Katghora, District Korba (CG) for the offence punishable under Sections 364-A, 365, 302 & 201/34 of IPC.

2. The case of the prosecution is that the applicant in connivance with other accused persons is said to have abducted the deceased Jagdish Prasad from Katghora, district Korba and taken him to UP where they had drowned him in a river. The present applicant and the other accused persons are said to have also demanded a ransom and the deceased was killed only when the ransom was not paid.

3. Counsel for the applicant submits that it is a case where the applicant

has been falsely implicated in the instant case. He submits that the only piece of evidence which has been collected by the prosecution is a memorandum statement of a co-accused Vijay Bahadur which in itself is a weak piece of evidence under Section 30 of the Evidence Act and there has been no recovery whatsoever made from the applicant and even the evidence which has been collected also would not show the involvement of the applicant in commission of the offence.

4. State counsel, on the contrary, opposing the bail application submits that the present applicant is a history sheeter in as much as there are about 15 cases in addition to the present one where the applicant is an accused. He submits that it is a case where in the course of investigation it has been revealed that the applicant was also part of a gang which had visited Korba and they were also seen in the area at the relevant time from where the deceased was missing and thereafter the applicant was also not seen in District Korba. He further submits that it is a case where the evidence of the co-accused Vijay Bahadur would amount to inculpatory and it would not be advisable at this juncture to release the applicant on bail.

5. Having heard the contentions put forth on either side and on perusal of the record particularly taking note of the materials collected in the course of investigation it reveals that the only strong piece of evidence which the prosecution has collected is the memorandum statement of co-accused Vijay Bahadur. Apart from that there has been no evidence collected with which the applicant could be implicated in the present case. Even the statement of the son of the deceased and the other witnesses like Avinash Pandey also does not disclose the involvement of the applicant in commission of the offence. The applicant herein has already remained in

custody for a period of about 11 months.

6. Given the nature of evidence collected during the course of investigation and also taking note of the period of custody this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**