

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1442 of 2019

Lalaram Sahu, S/o. Mangal Sahu, Aged About 46 Years, R/o. Village - Paraskol, Police Station -Kosir, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - Sarangarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Umakant Singh Chandel, Advocate
For State/respondent	: Mr. Arun Kumar Shukla, G.A.
For Objector	: Mr. Shikhar Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/03/2019

1. This is the second 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.61/2018, registered at Police Station – Sarangarh, District – Raigarh (C.G.), for the offence punishable under Section 302, 201, 120-B, 34 of the Indian Penal Code. The first bail application was dismissed as withdrawn vide order dated 17.07.2018 in M.Cr.C. No.4570/2018 with liberty to revive the same after examination of the main witnesses.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The main allegation

is against the co-accused persons namely Gopal Sahu and Komal Sahu, this applicant has not participated in the commission of crime and he has also not been identified as culprit in the investigation. Some of the prosecution witnesses have been examined before the trial Court and none of them have made any statement against this applicant, therefore, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that there is evidence in the investigation made in this case against this applicant, therefore, his application be rejected.
4. Counsel for the objector assisting the State counsel and submits that this applicant was active participant in the commission of crime and there are witnesses yet to be examined in the trial, who may disclose the involvement of this applicant. Therefore, the application for grant of regular bail be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution, Janki Bai, the wife of this applicant was Chairman of Mahila Samuh of which Jhai Bai, the wife of the deceased Tengnu Yadav was member. With respect to some dispute with Mahila Samuh, the deceased Tengnu Yadav used to threaten this applicant. Therefore, it is alleged that this applicant conspired with other co-accused persons as a result, the deceased Tengnu was strangled by co-accused persons and the evidence of offence was destroyed by them. Hence, this case.

7. The main allegation against this applicant is of conspiracy, therefore, direct involvement of the applicant is not a question to be explored, therefore, under these circumstances, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram