

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6107 of 2019

- Suresh Khute S/o Madhu Khute Aged About 34 Years Caste- Satnami
R/o Village- Kishanpur, Police Station And Tahsil Pithora, District
Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Pithora, District
Mahasamund, Chhattisgarh.

---- Non-applicant

For Applicant	: Mr. Surfaraj Khan, Advocate.
For Non-applicant/State	: Mr. Devendra Pratap Singh, Dy. A.G.
For Objector	: Mr. Raghvendra Pradhan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-11-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is *repeat* bail application before this Court filed by the applicant for grant of regular bail. The earlier bail application MCRC No.4697/2019 was dismissed as withdrawn on 18.07.2019. The applicant has been arrested on 4.5.2019 in connection with Crime No.87/2018, registered at Police Station– Pithora, District- Mahasamund, Chhattisgarh for offence punishable under Sections 457, 458, 460, 396, 302 and 201 of the IPC.
2. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the case. The fact is that the applicant being a Sarpanch of village Panchayat was very much concerned about the incident of blind murder; making attempts for lodging FIR and getting the case investigated. Subsequently, as a reason of some conspiracy, he has been falsely implicated and there is no substance in the case against him. Hence, it is prayed that the

applicant be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant is the main accused who alongwith the co-accused persons has participated in the incident and he himself has committed murder of two minor children. The bail application of the co-accused persons, namely, Akahndal and Gourishanker has been denied by this Court. Hence, the applicant is not entitled for grant of regular bail.
4. Learned counsel for the Objector adopts the arguments advanced by the State counsel and submits that this applicant is the main accused and it is a case of heinous offence in which four persons were murdered. Therefore, the applicant is not entitled for grant of regular bail.
5. In reply, it is submitted that the applicant is an elected Sarpanch who has been implicated in this case by the police officials only to give him a lesson. The applicant and his wife had earlier filed a W.P.(Cr.) No. 535 of 2019 praying for fair investigation which has been disposed of by this Court on 3.9.2019. The case of this applicant is different from the other co-accused persons, therefore, it is prayed that the applicant may be granted regular bail.
6. Heard learned counsel for the parties and perused the case diary.
7. According to the prosecution case, four persons were murdered in their residence in the night of 31.5.2018. After lodging of FIR, one co-accused – Dharmendra Bariha was arrested and interrogated and the accused was also subjected to Narco Test in which he revealed about the incident and the persons involved and on that basis, this applicant and other co-accused persons were arrested. Some articles have also

been recovered from the possession of this applicant, which is though being disputed by the applicant's side but that dispute will be resolved only in the trial.

8. After overall consideration of the facts and circumstances of this case and also the gravity of the case, I do not feel inclined to allow this application.
9. Accordingly, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi