

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8543 of 2018**

Sarfaraz Khan S/o Parvez Khan Aged About 23 Years R/o Dhadkidih, Stakin Road, House No. L4/29, P. S. Bistupur, District Purvisingh Bhum Jharkhand, District : Purbi Singhbhum, Jharkhand.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Azad Chowk Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 9825 Of 2018**

Abhilekh Singh S/o Banshidhar Singh Aged About 44 Years R/o 99, Laxminarayan, Talaa Bosabi Garden, Habda West Bengal, District : Howrah, West Bengal.

---- Applicant**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station Azad Chowk, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Sanjay Agrawal and Ms. Soumya Sharma, Advocates.
For the Respondent/State	:	Shri H.S. Ahluwalia, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.02.2019**

1. This is the second bail application of applicant – Sarfaraz Khan in M.Cr.C. No.8543 of 2018. The first bail application of this applicant was dismissed as withdrawn in M.Cr.C. No.570 of 2018 vide order dated 14.3.2018. Applicant – Abhilesh Singh in M.Cr.C. No. 9825 of 2018 is the first bail application and both these applications are decided by a common order as they arise from the same incident. These are the second and first

bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.310 of 2016, registered at Police Station Azad Chowk, District – Raipur, Chhattisgarh for the offence punishable under Sections 307, 302, 201/ 34 and 120B of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

2. Learned counsel for the applicants submit that the applicants in both the cases are in jail since 28.1.2017 and they have been falsely implicated in these cases. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The only statement made by any person against these applicants are the memorandum statements under Section 27 of the Evidence Act recorded in the investigation which is not legally admissible evidence. However, there is no such specific recovery made from these applicants so as to connect them with the offence committed. Similarly placed co-accused – Om Prakash Pandey has been granted regular bail by this Court in M.Cr.C. No. 7673 of 2018 vide dated 24.10.2018. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that it is a case of contract killing in which these applicants had been the facilitators and conspirators to kill the deceased. Hence, for these reasons, none of the applicants deserve to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.
5. The case is that on 29.12.2016, M. Ajay Kumar, The Manager of Kitply Industry was shot dead by unknown persons. After lodging of FIR and during investigation, it was found on the basis of memorandum statement given by the accused persons themselves that one co-accused – Om Prakash Pandey has given a contract for killing of M. Ajay Kumar in which these applicants facilitated the same for the execution of contract by other co-accused persons, namely, Akhilesh Singh and Mohd. Imran.
6. After perusing the evidence that has been collected in the investigation and the statements of the witnesses that have been recorded so far before the trial Court and considering that similarly placed co-accused – Om Prakash Pandey has been granted regular bail by this Court, therefore, I feel inclined to grant regular bail to the applicants in both the cases.
7. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime 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