

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9557 of 2018**

Deepika Mishra W/o Late Shivam Mishra Aged About 26 Years R/o Village- Amgaon, Police Station- Tamnar, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

MCRC No. 9713 of 2018

Surajbhan Sidar S/o Natthu Ram Sidar Aged About 26 Years R/o Village Chitwahi, P. S. Tamnar, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Tamnar, District Raigarh Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

Along with**MCRC No. 9636 of 2018**

Chanesh Ram Sidar S/o Sitaram Sidar Aged About 24 Years R/o Saraideepa ,police Station Tamanar ,district Raigarh chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer ,police Station Tamnar ,district Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ashish Gupta, Shri Shashank Thakur and Shri R.K. Behra, respective Advocates
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**CAV ORDER****(18/02/2019)**

1. Above mentioned three bail applications arise out of a common Crime No. 139/2018 registered at Police Station Tamnar, District Raigarh (C.G.) for the offence punishable under Sections 302, 120-B, 460, 201 of IPC,

therefore, they are being heard analogously and decided by this common order. All the applications are first bail applications filed under Section 439 of CrPC.

2. Prosecution story in brief is that on 09.06.2018 Bhupdev Mishra, who is the father of the deceased Shivam Mishra found dead body of deceased at his home and injury was found on his neck. During the investigation it was found that co-accused Kanha Das had illicit relation with the applicant Deepika Mishra. Applicants, co-accused Kanha Das had hatched conspiracy to kill the deceased. Co-accused Kanha Das made an agreement with applicants Chanesh Ram Sidar and Surajbhan Sidar to kill deceased. Co-accused Kanha Das was agreed to give them Rs.1 Lakh for this purpose. He had given a sum of Rs.20,000/- as advance to them. Co-accused Kanha Das, applicants Chanesh Ram Sidar, Surajbhan Sidar had entered in the house of deceased on 08.06.2018 in the night, where applicants Chanesh Ram Sidar and Surajbhan Sidar killed the deceased by axe. There are call details record of applicants and co-accused Kanha Das.
3. Counsel for the applicants argued that the applicants are innocent and has been falsely implicated hence they be released on bail.
4. On the other hand, the State Counsel opposed the bail applications. They further submits that there is no criminal antecedent has been reported against applicants.
5. In the case in hand, there is no call record of conversation of applicants, co-accused Kanha Das. Complicity of applicants is described in memorandum of co-accused Kanha Das, complicity of one applicant is also described in memorandum of other applicants. Complicity of applicants is also described in their own memorandum.
6. On memorandum of applicant Deepika Mishra one mobile was seized from him.
7. On memorandum of applicant Chanesh Ram Sidar one mobile and Rs. 4500/- were seized from him.
8. On memorandum of applicant Surajbhan Sidar one mobile, Rs.5000/- cash, one axe, one towel, having blood like stains were seized from him.
9. Additional Session Judge, Gharghoda, District Raigarh was unnecessarily impressed with the confessional statements of memorandum which is not admissible in evidence.
10. This Court has granted the bail co-accused Kanha Das on 16.11.2018 in

MCRC No. 8272 of 2018. The case of applicants Deepika Mishra, Chanesh Ram Sidar is not sever than co-accused Kanha Das, who is on bail. Applicants Deepika Mishra and Chanesh Ram Sidar are in same footing. But the case of applicant Surajbhan Sidar is severer than co-accused Kanha Das and applicants Deepika Mishra and Chanesh Ram Sidar, because *prima facie* it appears that blood like stained one axe and one towel had been seized from him.

11. Consequently, the bail applications of applicants **Deepika Mishra** and **Chanesh Ram Sidar** are allowed. It is ordered that applicants namely Deepika Mishra and Chanesh Ram Sidar furnish two solvent sureties of Rs.50,000/- each along with personal bond of Rs.1,00,000/- each to the satisfaction of the concerned trial Court with the condition that they shall not involve in any crime in future and they shall appear before the trial Court at 11 a.m. as and when directed by the trial Court and they would cooperate during the trial, they shall be released on bail.
12. Looking to the evidence available on record against applicant Surajbhan Sidar, his bail application is rejected.
13. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge