

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 1377 of 2020

1. Ankit Thakur S/o Vishambhar Thakur Aged About 31 Years R/o Shankar Nagar, P. S. Khamhardih, District Raipur Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Gol Bazar, District Raipur Chhattisgarh

---- Respondent

MCRC No. 1401 of 2020

1. Vikram Sharma @ Vicky S/o Sukhdev Sharma Aged About 37 Years R/o Sanjay Nagar, Jhanda Chowk, Thana - Tikrapara, Raipur Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Goalbazar, District Raipur Chhattisgarh

---- Respondent

MCRC No. 1412 of 2020

1. Ghanshyam Mahanand S/o Beniram Mahanand Aged About 30 Years R/o Village- Kanpa, Bhatapara, Thana- Tumgaon, District- Mahasamund

Present Address Sudama Nagar, Kanti Chowk, Thana- Tikrapara, Raipur, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Goalbazar, District- Raipur, Chhattisgarh.

---- Respondent

For respective
Applicants

Mr. Arvind Shrivastava & Mr.
Devershi Thakur, Advocates

For Respondent /State

Mr. Gagan Tiwari, Dy. Govt. Adv.

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

11/8/2020

1. Since all the bail applications are arising out of same crime number i.e. Cr.No.244/2019, they are being considered and decided by this common order.
2. These are the applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.244/2019, registered at Police Station Golbazar, District Raipur (CG) for the offence punishable under Sections 302 & 392 read with Section 34 of the Indian Penal Code.
3. As per the prosecution case Jaichand Mandavi (since deceased) had gone to Malviya Road, Raipur to witness Lord Ganesh Immersion on 15-9-2019. When he was sitting in front of Shop No.6 at Ganesh Ram Nagar Fruit

Market, accused Ankit Thakur, Ghanshyam Mahanand & Vikram Sharma @ Vikky came over there and demanded some amount for consuming liquor. On refusal by the deceased they argued with him and looted his money purse. After consuming liquor they again came to the place of occurrence at 00.30 hours (in the midnight). When the deceased abused them for looting the amount, the accused persons threw him over the Cement Concrete (CC) By-lane and committed his murder by hitting his head over the road. The accused persons have been identified on the basis of the CCTV (Closed-circuit television) footage.

4. After arrest of the applicants their memorandum statements have been recorded. From accused Ankit Thakur, one motorcycle (Pulsur) has been recovered whereas from accused Ghanshyam Mahanand the money purse of the deceased has been recovered. Presence of all the accused persons and their participation in committing murder has been found in the CCTV footage. The Comex Watch, which accused Ankit Thakur usually wears, was found on the spot, which has been identified by witness Jagdish Sonkar whereas Durga Mandavi, wife of the deceased, has stated that her husband always used to keep black colour purse and own passport size photo with him.
5. It has been argued that no overt act has been alleged against the accused Ankit Thakur, however, considering the evidence on record particularly the CCTV footage and

memorandum statements of the accused persons and for the fact that there being no eyewitness it is difficult to appreciate at this stage as to whose act caused the death of the deceased.

6. As a sequel, all the bail applications, *sans* merit, are liable to be and are hereby rejected.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri