

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.463 of 2020

1. Lilesh Kumar Sahu S/o Ramji Sahu Aged About 22 Years R/o Village- Rohina, Police Station- Rajim, District- Gariyaband, Chhattisgarh.,
2. Ajay Kumar, S/o Kamta Thakur Aged About 20 Years R/o Village- Rohina, Police Station- Rajim, District- Gariyaband, Chhattisgarh.,
---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Rajim, District- Gariyaband, Chhattisgarh **---- Respondent**

For Applicants	:	Mr. Vikash Pradhan, Advocate.
For Respondent/State	:	Mr. Sudhir Verma, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/06/2020

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.29/2020 registered at police station –Rajim, District Gariyaband (C.G.) for alleged commission of offence under Section 307, 34 of IPC.
2. At the outset, learned counsel for the applicants seeks to withdraw the application of **Applicant No.1/Lilesh Kumar Sahu**.
3. Accordingly, application of Applicant No.1/Lilesh Kumar Sahu is dismissed as withdrawn.
4. The prosecution case is that the complainant Namendra Kumar Sahu, father namely Jhaduram Sahu murdered mother of Lilesh Kumar Sahu. It is alleged that on the date of incident i.e. 03.02.2020, when Namendra Kumar Sahu was going on road with own his motorcycle, Lilesh Kumar Sahu, who was driving a four wheeler came from behind and dashed the vehicle of

complainant/Namendra Kumar Sahu with intention to cause his death. It is further alleged that after Namendra Kumar Sahu fell down, Lilesh Kumar Sahu fastened a rope around his neck to strangle and kill him because of previous enmity. The allegation against the applicant No.2/Ajay Kumar is that he was also present in the vehicle of Lilesh Kumar Sahu.

5. Learned counsel for the applicant No.2 /Ajay Kumar would submit that as far as Ajay Kumar is concerned, neither there is any allegation of previous enmity nor any overt act committed by Ajay Kumar to make out a prima facie case of he sharing common intention to cause death with Lilesh Kumar Sahu. All the allegations are only against Lilesh Kumar Sahu. Therefore, the applicant No.2/Ajay Kumar may be granted anticipatory bail.

6. On the other hand, learned counsel for the State opposes the prayer and submits that though the main allegation of previous enmity dashing of vehicle and fastened a rope around neck of complainant Namendra Kumar Sahu are on Lilesh Kumar Sahu, partner of applicant No.2/ Ajay Kumar has also stated that he was also present in the vehicle along with Lilesh Kumar Sahu that means he was also involved in the attempt made by Lilesh Kumar Sahu to kill Namendra Kumar Sahu.

7. Having considered the submission of learned counsel for the parties and the material disclosed to this Court, it appears that the main allegations of inimical relation are between Lilesh Kumar Sahu and Namendra Kumar Sahu. Moreover, allegation of dashing vehicle of Namendra Kumar Sahu is against Lilesh Kumar Sahu. It is Lilesh Kumar Sahu, against whom allegation is that he attempted to kill Namendra Kumar Sahu by fastening a rope around his neck. No specific overt act is against the applicant No.2/Ajay Kumar. Therefore, taking into consideration the aforesaid circumstances and the material, as far as Ajay Kumar is concerned, he is entitled to grant of anticipatory bail. Therefore, the application is allowed.

8. Accordingly, it is directed that in the event of arrest of the **applicant No.2/Ajay Kumar** in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the **applicant No.2/Ajay Kumar** shall abide by all the

following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha