

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1822 of 2020

Chanchal Mandal S/o Parimal Mandal Aged About 24 Years R/o M.V. 11,
Gourguda, P.S. And District Malkagiri (Odisha) **---- Applicant**

Versus

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

For Applicant	:	Shri Praveen Dhurandhar, Advocate
For Respondent/State	:	Shri Gagan Tiwari, Dy. G.A.
For Objector	:	Ms. Reshma Nag, Advocate from the Help Desk of District Legal Services Authority, Sukma

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No.86 of 2019 registered at Police Station- Sukma, District Sukma (CG) for the alleged commission of offence under Section 302, 201& 120-B of IPC and Section 3(2) of SC/ST (Prevention of Atrocities) Act.
2. Case of the prosecution is that co-accused Suresh had started liking the wife of the deceased and in course of time, he planned to eliminate the deceased so that his wife may be inclined to accept the offer of that Suresh. According to prosecution story, to eliminate the deceased Ramnivas, co-accused Suraj hatched a conspiracy involving present applicant and another co-accused Suresh, in furtherance of which, Ramnivas was taken to different places and finally he was brought into jungle where, he was assaulted with the help of weapon and his neck was chopped resulting in death.
3. Learned counsel for the applicant would argue that the entire case of the prosecution as against the applicant is based on incriminating piece of evidence in the form of memorandum of co-accused Suresh and that of the present applicant. He would submit that the only allegation against the applicant is that the weapon allegedly used in chopping the neck of the

deceased was handed over to the present applicant by co-accused Suresh for hiding in the jungle and nothing more. According to him, in the memorandum statement, Suresh has stated that he had the motive to kill Ramnivas and it is he, who assaulted Ramnivas and according to his memorandum statement, present applicant did not give any assault to deceased Ramnivas. Therefore, mere recovery of chopper would not make out a prima facie case against the present applicant, whatsoever, it has been recovered from an open place in jungle.

4. On the other hand, learned counsel for the State and Objector would submit that from the memorandum statement of the present applicant and co-accused Suresh, the motive for killing Ramnivas has disclosed as also a conspiracy hatched by Suresh to kill deceased. Suresh involved the present applicant and the co-accused Suraj in the conspiracy right from the beginning so much so that at the time of assault being the present applicant and co-accused were also present along with Suresh. He would submit that the weapon/chopper which was used in commission of offence was hid by the present applicant. It has also submitted by learned counsel for the Objector that in case, the applicant is granted bail, the widow of deceased and her children may be subjected to assault by the applicant and other co-accused.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that role alleged to be played by the present applicant in conspiracy to murder Ramnivas and further that the prosecution has come out with recovery of weapon used in commission of offence, on the disclosure statement of present applicant, present is not a fit case for grant of bail to the application. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge