

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC NO. 188 OF 2021

1. Ishwar Das Manikpuri, S/o Nakuldas Manikpuri, Aged about- 48 years, R/o- Village Nawagaon Musau, Police Station- Kunda, Tahsil- Pandaria, District- Kabirdham (C.G.)
2. Preetam Manikpuri, S/o- Mohandas Manikpuri, Aged about- 44 years, R/o- Putki Kala, Police Station- Pandatarai, District- Kabirdham

---- Applicants

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station- Kunda, District- Kabirdham (C.G.) ---- **Non-Applicant**

MCRC No. 268 of 2021

- Ramdas Gendre S/o Anjordas Gendre Aged About 43 Years R/o Village Atariya Police Station Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kunda District Kabirdham , Chhattisgarh. ---- **Non-applicant**

MCRC No. 383 of 2021

1. Bhuneshwar Dayal Sahu, S/o Deendayal Sahu, Aged About 36 Years R/o Village Khairjiti (Naya), Police Station Kunda, Tahsil Pandariya, District Kabirdham Chhattisgarh.
2. Shailesh @ Bulaki Sahu, S/o Amoli Sahu, Aged About 36 Years, R/o Village Mahli, Police Station Kunda, Tahsil Pandariya, District Kabirdham, Chhattisgarh. ---- **Applicant**

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Of Police Station Kunda, District Kabirdham, Chhattisgarh.

---- Non-applicant

MCRC No. 1084 of 2021

1. Malik Ram, S/o Kanhai Ram Aged About 65 Years R/o Jotpur,

P.S.- Lormi, Tahsil- Lormi, District- Mungeli, Chhattisgarh.

2. Virendra Kumar S/o Malikram Aged About 39 Years R/o Jotpur, P.S.- Lormi, Tahsil- Lormi, District- Mungeli, Chhattisgarh.

3. Santosh Mathur S/o Trilochan Mathur Aged About 45 Years R/o Jotpur, P.S.- Lormi, Tahsil- Lormi, District- Mungeli, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kunda, District- Kabirdham Chhattisgarh.

---- Non-applicant

For Applicants	: Shri C.K. Sahu, Shri Basant Dewangan, Shri Anil Gulati, Shri Atul Kesharwani, Advocates
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For Respondent/State	: Shri Dinesh Tiwari, Dy.G.A. and Smt. Shubha Shrivastava, P.L.
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For Objector	: Shri Raja Ali, Advocate.
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Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16.02.2021

1. As all the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 18.12.2020 in connection with Crime No. 244/2020 at Police Station- Kunda, District- Kabirdham (C.G.) for the offence punishable under Section 406, 379, 328/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 11.12.2020 complainant Deendayal Sahu lodged a report to the effect that he had taken Rs.2 lacs from one Konda Seth for depositing the same in HDFC Bank against his KCC loan which was given to his son Bhuneshwar Sahu. However, said Bhuneshwar Sahu along with his brother-in-law Bulaki Sahu @ Shailesh and Ishwar Manikpuri (Kotwar) and Preetam with the help of occultist

(Tantrik) Malikram Kenvat, Veerendra Kenvat, Santosh Mathur and Ramdas Satnami did sorcery in another house of Bhuneshwar where Bhuneshwar Sahu, Bulaki Sahu @ Shailesh, Ishwar Manikpuri (Kotwar) and Preetam were made to eat *Prasad* by Malikram and after that they fell unconscious. Thereafter, Malikram, Ramdas, Veerendra and Santosh committed theft of Rs.1.50 lacs which was kept by Bhuneshwar. During investigation, it was found that the complainant and his son Bhuneshwar Sahu had old land dispute with one Ramkhilawan Kenvat and therefore, Bhuneshwar Sahu conspired with Ishwar Das, Preetam Manikpuri and Shailesh @ Bulaki for killing Ramkhilawan Kenvat through sorcery.

4. Learned counsel for the applicants submits that the allegations against the applicants are false and fabricated, they are falsely implicated in the case. The applicants have no criminal antecedents, they are in jail since 18.12.2020 and conclusion of the trial is likely to take some time, there is no likelihood of the applicant tampering with the evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
5. On the other hand, learned State Counsel opposes prayer for grant of bail. Learned State counsel further submits that the applicants have no criminal antecedents.
6. Counsel for the objector appeared in MCRC No. 383 of 2021 submits that he has no objection to grant of bail to the applicants.
7. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the applicants, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel, there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and the fact that conclusion of the trial is likely to

take some time, without commenting anything on merits of the case all the bail applications are allowed.

8. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on following conditions:-

- (a) they 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 fact to the Court.
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim