

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2037 of 2021

- Sagir Ansari S/o Liyakat Ansari Aged About 35 Years Resident Of Khatin, Police Station Chhattarpur, District Palamu Jharkhand.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pasta , District Balrampur Ramanujganj Chhattisgarh.

---Respondent

For Applicant – Shri Arvind Sinha, Advocate.

For Respondent/State – Shri Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

06/07/2021

Heard.

1. This is the third Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 28.08.2018 in connection with Crime No. 35/2018 registered at Police Station- Pasta District Balrampur, Ramanujganj, C.G. for the offence punishable under Sections 302, 364-A, 120B of IPC and 25, 27 of Arms Act.
2. As per the prosecution case, one Bhola Kumar Sao developed love relation with deceased Sagufta Praveen which was not accepted by Anwar Hussain father of the deceased and therefore he gave contract to kill both of them for which one Ajimullah @ Ajmer was

given contract. Thereafter, the vehicle was hired and one Bhola Kumar Sao was killed whose dead body was found at Latehar and subsequently dead body of Sagufta Praveen was found at Kanda forest which falls within C.G. jurisdiction. It is alleged that the present applicant who was released after conviction from Mumbai, Maharashtra in a murder case was part of the contract killing along with Kinnat Hussain, Sagir, Najma, Jalal Ansari, Akbar and Iqbal . Subsequently, on the memorandum, the pistol was recovered and others were charged for murder and kidnapping.

3. Learned counsel for the applicant submits at present the seizure witnesses Dev Kumar Yadav and Dharamdev Nageshiya both have been examined they have not proved anything, therefore, no evidence is left as no eye witness is present in this case, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the bullet which was recovered from the spot of killing of Sagufta matches with the pistol which was recovered at the instance of the present applicant from Gharghoda forest.
5. Considering the submissions made and considering the nature of evidence only because of the fact that some of the witness have turned hostile and no evaluation of the facts can be arrived at, as IO is still to be examined. Considering the submission of the State that bullet matches with the pistol which was recovered from the instance of the present applicant that evidence is required to be examined with the other evidence which is a matter of trial which is

going on. Taking into the totality of the instance, I am not inclined to release the applicant on bail.

6. Accordingly, the bail application is rejected. However, the Trial Court is directed to expedite the trial.

Sd/-

(Goutam Bhaduri)

Judge

Jyoti