

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3451 of 2021

1. Keshav Chandra, S/o Shri Sitaram Chandra, Aged About 24 Years, R/o Village Bhatmahul, Police Station Hasaud, District Janjgir Champa (Chhattisgarh).
2. Kaushal Chandra, S/o Shri Munshilal Chandra, Aged About 35 Years, R/o Village Bhatmahul, Police Station Hasaud, District Janjgir Champa (Chhattisgarh).

---- Applicants

Versus

- State Of Chhattisgarh Through - Police Station Hasaud, District Janjgir-Champa (Chhattisgarh).

---- Respondent

MCRC No. 3540 of 2021

- Randhir Kashyap, S/o Lakhan Lal Kashyap Aged About 21 Years R/o Malda, Police Station Hassaud, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer Police Station Hassaud, District Janjgir Champa Chhattisgarh.

---- Respondent

MCRC No. 4032 of 2021

- Samay Lal Jaiswal, S/o Shri Radheshyam Jaiswal, Aged About 50 Years, R/o Village Bhatmahul, Police Station & Tehsil Hasaud, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Hasaud, District Janjgir Champa Chhattisgarh.

---- Respondent

MCRC No. 4725 of 2021

- Bharat Chandra, S/o Shri Jawahar Chandra, Aged About 40 Years, R/o Village- Bhatmahul, Police Station- Hasaud, Tahsil- Jaijaipur, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Acting Through Office-In-Charge, Police Station- Hasaud, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

MCRC No. 4771 of 2021

1. Shyamlal Chandra, S/o Shri Jairam Chandra, Aged About 30 Years, R/o Bhatmahul, Police Station Hasaud, Tahsil Jaijaipur, District - Janjgir - Champa Chhattisgarh.
2. Shobhitram Chandra, S/o Shri Jairam Chandra, Aged About 41 Years R/o Bhatmahul, Police Station Hasaud, Tahsil Jaijaipur, District - Janjgir - Champa Chhattisgarh.
3. Suresh Kumar Chandra, S/o Shri Panchram Chandra, Aged About 38 Years R/o Bhatmahul, Police Station Hasaud, Tahsil Jaijaipur, District - Janjgir - Champa Chhattisgarh.
4. Govindram Chandra S/o Shri Jatiram Chandra, Aged About 32 Years R/o Bhatmahul, Police Station Hasaud, Tahsil Jaijaipur, District - Janjgir - Champa Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Acting Through Officer-In-Charge, Police Station - Hasaud, District - Janjgir - Champa Chhattisgarh.

---- Respondent

For Applicants	:	Shri Aditya Pandey, Advocate in MCRC No. 4032/2021 Shri Goutam Khetrapal, Advocate in MCRC No. 3540/2021 Shri Aman Ansari, Advocate in MCRC Nos. 4771/2021 & 4725/2021
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

30.07.2021

- 1) Since all these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as applicants were arrested on 03.03.2021 in connection with Crime No. 20/2021 registered at Police Station- Hasaud, District- Janjgir - Champa (C.G.) for the offence punishable under Sections 302/115, 120B, 387 & 34 of IPC.
- 3) As per the prosecution case, the accused/applicants along with other co-accused persons took a contract for Rs. 10 lacs for commission of murder of complainant Vijay Chandra and out of that said amount, Rs. 3 lacs were given to them as advance. On the memorandum of applicant Randhir Kashyap, Rs. 2 lacs were recovered. On complaint being lodged by the complainant Vijay Chandra, the said offences have been registered against the accused persons.
- 4) It is submitted on behalf of learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in this case. It is submitted that there was previous enmity between the complainant and the accused persons, this is purely a political motivated case, the applicants party had made several complaints against the father of the complainant who is Sarpanch of Gram Panchayat Bhatmahul, merely on the memorandum of accused Randhir Kashyap, the applicants have been implicated in this case, they are in jail since 03.03.2021, charge-sheet has been filed, nothing is required to be seized from the applicants, there is no apprehension of their absconding or tampering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to take some time. It is submitted that similarly situated co-accused Rajkumari Chandra

and Smt. Sushila Yadav have already been released on regular bail by the co-ordinate bench of this Court vide order dated 31.05.2021 passed in MCRC No. 2322/2021, and, therefore, the applicants be released on bail.

- 5) On the other hand, learned counsel for State opposes the bail applications.
- 6) Heard, learned counsel for the parties.
- 7) In the totality of the facts and circumstances of the case, the nature of allegation levelled against the applicants, the fact that on the memorandum of accused person Randhir Kashyap, the other accused persons were arrested in this case, the detention period of the applicants, the fact that similarly situated co-accused have already been granted regular bail by the co-ordinate bench of this Court, charge-sheet has been filed, there is no apprehension of the accused/applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 situation conclusion of trial may take some time, therefore, without commenting anything on the merits of the case, the 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.2,00,000/- with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the 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.
 - (e) they shall strictly follow the COVID-19 protocol issued

by the Central Government/State Government/Local Authority.

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**

Ruchi