

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5433 of 2021**

Santoshi Bai Patle, W/o. Late Kachram Patle, aged about 32 years, R/o. Village Achanakpur, Police Station : Baloda, District Janjgir Champa Chhattisgarh Tem Res. Dongi Pendri, Police Station Baloda District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, P.S. Katghora, District Korba Chhattisgarh.

---- Respondent**M.CR.C. No. 5867 of 2021**

Ramkumar Shriwas, S/o. Lt. Ramnath Shriwas, aged about 66 years, R/o. Bade Koni, P.S.-Koni, District-Bilaspur, Chhattisgarh (Father name wrongly mentioned as Naamnath Shriwas in order dated 22.06.2021-A2)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, P.S. Katghora, District Korba Chhattisgarh.

---- Respondent**AND****M.CR.C. No. 5990 of 2021**

Rishi Kumar @ Guddu, S/o. Late Mohan Lal Kaushik, aged about 26 years, R/o. Village Bijour, Police Station Sarkanda, District Bilaspur (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, P.S. Katghora, District Korba Chhattisgarh.

---- Respondent

For Applicants : Mr. Awadh Tripathi, Advocate
(in M.Cr.C. No. 5433 and 5867 of 2021)

For Applicant : Mr. Madhunisha Singh, Advocate
(in M.Cr.C. No. 5990 of 2021)

For Respondent/State : Ms. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

27/08/2021

1. All the above bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.
2. M.Cr.C. No. 5433 of 2021 and M.Cr.C. No. 5990 of 2021 are the first bail applications and the M.Cr.C. No. 5867 of 2021 is the second bail application of the applicants, filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.69/2021, registered at Police Station – Katghora, District – Korba (C.G.) for the offence punishable under Section 302, 201, 120B, 328, 365, 34 of the Indian Penal Code. The first bail application of the applicant (in M.Cr.C. No. 5867 of 2021) was dismissed as withdrawn vide order dated 07.07.2021, in M.Cr.C. No. 4749 of 2021.
3. It is submitted by the learned counsel for the applicants (in M.Cr.C. No. 5433 & 5867 of 2021) that the applicants have been falsely implicated in this case. They have been made accused only on the basis of the memorandum statement given by the other co-accused persons. There is no direct evidence present against these applicants to show that they had conspired or provided the other accused with the poisonous substance, which was used for committing the offence of murder by the co-accused persons. The applicant – Santoshi Bai Patle happens to be the wife of the

deceased, who has been deliberately implicated so that she may not be able to claim the property of the deceased. Hence, there is no legally admissible evidence, present against these applicants. Hence, it is prayed that they may be enlarged on bail.

4. Learned counsel for the applicant (in M.Cr.C. No. 5990 of 2021) submits that the applicant has been falsely implicated in this case without any evidence against him in the prosecution case. His name has appeared only in the memorandum statement of the co-accused persons, which is not a legally admissible evidence. Therefore, he may be granted bail.
5. On the other hand, the learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that the name of all the applicants have appeared in the memorandum statement of co-accused persons, which is verified from the call details showing the location of these applicants, which is the part of the charge-sheet. Hence, there is clear evidence present to show that all these applicants have conspired in the commission of offence of murder of the deceased and there is prima-facie case present. Hence, these applicants are not entitled for grant of bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per the prosecution case, the applicant Santoshi Bai Patle was wife of the deceased – Kanchram Patle. It is alleged that the applicant – Santoshi Bai had illicit relationship with co-accused

Narendra Tandon and there had been some dispute between Narendra Tandon and the deceased, subsequent to which, the applicant – Santoshi Bai gave a contract to co-accused persons Purnima Sahu and Kamal Kumar Dhuri, to murder the deceased for which she provided to them a packet of poison (Suhaga) and it was agreed that Rs.2,50,000/- shall be paid to the co-accused persons. The applicant – Rishi Kumar @ Guddu and Ram Kumar Shriwas were also made participant in that conspiracy. Co-accused Purnima Sahu made a phone call to the deceased – Kanchram and on his appearance, he was forcibly dragged inside the car and then he was forcibly administered poison and when the conditions of the deceased deteriorated, he was thrown in the road side. Subsequent to which, co-accused Narendra Tandon inflicted some injuries to the deceased by using small axe which caused his death. Hence, this case.

8. Considered on the submissions. The names of these applicants have appeared in the memorandum statement of co-accused Purnima Sahu, Narendra Tandon, Rajesh Jangade and Kamal Dhuri. Seizure of mobile phone has been made from the possession of the applicant – Santoshi Bai Patle. Car and mobile phone has been seized from the possession of applicant – Ram Kumar Shriwas. Call details of the mobile phones have also been collected in the investigation to show the connection of the holder of the mobile phones and the other evidence of the witnesses have also been collected. After perusal of the same, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.

9. Accordingly, all the bail application filed under Section 439 of the Cr.P.C. are rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram