

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6213 of 2021

Kamal Kumar Dhuri S/o Late Jeevan Lal Dhuri Aged About 32 Years
R/o Lingiyadih, Police Station Sarkanda, District Bilaspur Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Katghora, District Korba Chhattisgarh

---- Respondent

For Applicant	:	Shri Hemant Kesharwani, Advocate.
For Non-applicant	:	Shri Sudeep Verma, Dy. Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

28/10/2021

1. Applicant has filed this application under Section 439 Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No. 69/2021 registered at Police Station- Katghora, District- Korba (C.G.) for the offence punishable under Sections 302, 201, 120-B, 328, 365/34 IPC.
2. Case of the prosecution is that the deceased was working as Deputy Ranger and posted at Kasania Barrier residing in forest colony. His first wife was predeceased. After death of his first wife, he performed chudi marriage with Santoshi, sister-in-law of Narendra Tandon (co-accused). There was continuous quarrel between co-accused Santoshi and the deceased. On 13.3.2021, deceased went out for his duty but immediately thereafter at about 8:00 pm, his mobile was found off. Dead body of the deceased

was recovered on 14.3.2021 near old barrier Sutarra. During course of investigation, memorandum statement of co-accused and the applicant were recorded and based on their memorandum statements, they have been arrested in the aforementioned crime.

3. Shri Hemant Kesharwani, learned counsel for the applicant submits that except memorandum statements, there is no material available in the charge sheet to connect the applicant in crime. He fairly submitted that the application for grant of bail of co-accused Santoshi Bai Patle, Ramkumar Shriwas and Rishi Kumar @ Guddu was dismissed vide order dated 27.8.2021. Case of the present applicant is on different footing. Hence the application of the applicant may be considered and he may be enlarged on regular bail.
4. Learned counsel for the State, opposing the submissions made by learned counsel for the applicant, would submit that case of the co-accused named above whose application for grant of bail came to be dismissed by coordinate Bench stands on similar footing as of the applicant. In the memorandum statement, applicant and other co-accused have admitted their guilt of conspiring and murdering the deceased. It is the applicant and one co-accused Purnima who have taken contract of killing. Hence the applicant is not entitled for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegation, the manner in which the offence is committed, the material available in the case diary, bail application of other co-accused persons namely

Santoshi Bai Patle, Ramkumar Shriwas and Rishi Kumar @
Guddu was dismissed, I do not find present to be a fit case for
grant of bail to the applicant.

7. The application is accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen