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COPIES OF ORDER

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

MISC. CRIM. CASE NO. 2175/1992

APPLICANT
(In Jail)

1. Awadhesh Rai aged 25 years son of
Ramesh Chandra Rai (deceased) of Nigra,
Distt, Chhatar (Bihar) at present
resident of Sector No. 6 Road No.
5, Quarter No. 22A, Bhilai, Distt.
Durg. M.P.

VERSUS

RESPONDENTS- 1. State of M.P. through S.C. Thana, Bhilai
District Durg. M.P.

APPLICATION FOR BAIL UNDER SECTION 439 CR.P.C.

ORDER IN ORDER SIFET

Order passed, signed and dated,
C.C. on cost.

Sd/- P.D.S. Chouhan
JUDGE

DATED THE 15.9.1992

PRESENTED BY

THE HON'BLE JUSTICE SHRI P.D.S. CHOUHAN

ORDER

The petitioner has been arrested on allegations
criminal conspiracy which resulted in the murder of
Ankur Chandra Niyogi, a labour leader of Bhilai. Applicants
is that he is absolutely innocent. he was neither
friend of Chandra Kant Shah, who is said to have
permitted the elimination of the deceased, nor
he having any enmity with Shri Niyogi. Due to

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capacity of evidence Chandrakant Shah has been taken as an independent fact, by this Court vide order dated 27.11.91, passed in N.C.R.C. No. 3299/91. The applicant is entitled to be released on bail for every stage thereafter.

2. The prosecution case is that Shankar Gube Riyogi was a popular labour leader of Durg-Bhilai. The discipline given by industrialists was so much affected by the activities of Shri Riyogi that the owners of plants decided to eliminate him. Chandrakant Shah, therefore, hatched a criminal conspiracy with the petitioners and others in connection whereof weapons were procured from Balpur and also from Rajahmundry. As a result of this conspiracy Riyogi was killed by a blind assassin by name Patton Rajesh alias Ravi. Ravi is still absconding. Chandrakant Shah after being released on bail is also absconding.

3. It was argued on behalf of the State that if any copy of the document had been seized from the applicant that this applicant was the left-hand man of Gyan Prakash Mishra, one of the co-accused. There is evidence of witnesses to show that the applicant along with some co-accused were seen in the company of assassin Patton Rajesh alias Ravi in Durg on 1.10.91, after which the murder of Riyogi took place. Then it was stressed that Nayindra Kumar alias Ravi, the driver, who took the party to Kathmandu, disclosed that after procuring the arms Chandrakant Shah had stated that with such fire guns there will

no difficulty in eliminating Nihal and Syam Prakash Mishra had assured him that he will ensure that the work was done. At that juncture, applicant had also supported the optimism of Chandrakant Shah. Then there is the evidence to show that this applicant was instrumental in purchase of ammunition from a purkama shop on 14.9.91 through Vinendra Kumar Singh on the name of Santnarayan.

4. Emphasis was laid on the fact that the applicant is an important member of the gang which committed this heinous crime and if he is released there is likelihood that he will try to terrorize the prosecution witnesses and render assistance to the absconding accused persons viz Paltan and Chandrakant Shah in various ways.

5. On consideration of the above arguments, it does not appear necessary in the interest of justice to keep the petitioner in detention any longer. More so because Moolchand Shah and Navan Shah, have been released on bail. The apprehension that the petitioner may misuse his liberty does not appear to be based on any material.

5. In result, the petition is allowed. The petitioner is ordered to be released on his furnishing personal bond in the sum of Rs. 10,000/- (Rs. Ten thousand only) with one surety in the like amount to the satisfaction of C.J.M. Durg, for his appearance before the trial Court on each date of hearing till the trial concludes.

Sd/- P.N.S. Chouhan
J U D G E
15.9.1992
(Handwritten signature and scribbles)

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COPY OF ORDER

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR.

MISC. CR. CASE NO. 720 OF 1992.

1. Chandra Baksh Singh alias Chhotu son of Bharat Singh, r/o Or.No.G/36, ACC colony, Jamul Bhilai, Distt.Durg,M.P.

2. Baldev Singh son of Ravel Singh, aged 24 years, r/o M.P.Housing Board colony, Industrial Estate, Bhilai, Distt.Durg.

.. APPLICANTS
(IN JAIL)

VS.

THE STATE OF M.P. THROUGH P.S.SECTOR VI, Kotwall, Bhilai Nagar, Durg.

.. NON-APPLICANT

APPLICATION UNDER SECTION 439 OF THE CRIMINAL PROCEDURE

CODE FOR GRANT OF BAIL:

The applicants, abovenamed, beg to submit as under:

1. That having been arrested on 22-1-91 by the Dy.S.P. of C.B.I. in crime No.58/91 for the alleged offence under section 302, 201,34, 120-B of the IPC

and also under section 25/26 of the Arms Act and also under section 25/27 of the Arms Act.

ORDER IN ORDER.

Order passed signed and dated.

sd/- F.N.S. CHOUHAN
JUDGE

DATE: 15th DAY OF SEPTEMBER 1992.

presented by
OFFICE OF F.N.S. CHOUHAN

ORDER

Registered
Bhilai

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C.I.

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