

Chandra Baksh Singh & another

Vs.

The State of M.P.

O R D E R

The petitioners are in custody since 22-1-91 in Crime No. 580/91 under Sections 302, 201/34, 120-B of the Indian Penal Code and under Section 25/27 of the Arms Act, in connection with the murder of Shankar Guha Niyogi.

2. Shankar Guha Niyogi was a prominent labour leader of Chhattisgarh Region. He had formed a number of organizations and trade unions for the amelioration of the labourers engaged in various industries of the region. The Simplex Group of Industries were badly affected by the agitational methods of Shri Niyogi and his unions. Mool Chand Shah, Navin Shah and Chandrakant Shah of the said group of industries were so much upset by these happenings that they entered into a <sup>criminal</sup> conspiracy with the applicants and other co-accused to eliminate Shri Niyogi. As a result of this criminal conspiracy fire arms were acquired from Raipur as also from Nepal and absconding accused Palton Mallah alias Ravi was hired <sup>as</sup> assassin. All these conspirators were provided with all sorts of facilities by the owners of Simplex Group. On 28-9-91, in furtherance of the said criminal conspiracy, Palton Mallah alias Ravi shot Niyogi with a .12 bore Katta when the later was sleeping at his residence MIG-I/55, HUDCO, Bilal. Shri Niyogi succumbed

(31) to the fire arm injuries received by him giving rise to this case.

3. On applicants' behalf, it was argued that Chandrakant Shah, who is said to have master minded the murder of Shri Niyogi, has already been released on anticipatory bail by this Court vide order dated 22-11-91, passed in M.Cr.C.No.3299/91. There is no evidence to connect these petitioners with the alleged murder. Infact, there is no evidence to show that Palton Mallah alias Ravi shot Niyogi to death. The chargesheet has already been presented. As such, the applicants are entitled to be released on bail. In reply, it was submitted that the statement of Ravindra alias Ravi, who drove the vehicle, which took the party to Kathmandu, clearly indicates the complicity of the petitioners in the said criminal conspiracy to eliminate Niyogi. Then there is evidence of witnesses to show that these petitioners were frequently seen in the company of assassin Palton in July-August, 1991 i.e. soon before the murder. Then there is the evidence to show that these petitioners purchased ammunition for the mission on 14-9-91 from an Arms Shop, Raipur, through Virendra Kumar Singh on the license of Santnarayan. Considering all this evidence and the possibility that these petitioners are likely to misuse their liberty by terrorizing the prosecution witnesses as also the possibility of their absconding, the petition deserves to be dismissed.

and Navar Singh

4. Moolchand Shah has admittedly been released on anticipatory bail. There is nothing positive to

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support the apprehension that the petitioners are likely to misuse their liberty in any manner. Considering the evidence available against them, their continued detention during the course of the trial is not considered necessary in the interest of justice. Therefore, taking a conspectus, the petition is allowed. The applicants are ordered to be released on their furnishing personal bond in the sum of Rs.10,000/- (Rs.Ten thousand only) each with one surety in the like amount to the satisfaction of C.J.M., Durg, for their appearance before the trial Court on each date of hearing till the trial concludes.

Sd/- M.S. Chakravarty  
 JUDGE  
 15/9/1992

*[Handwritten signature and stamp]*  
 11/9/92

22-2-93  
 Durg  
 21/93  
 Superintendent,  
 Durg

Issued

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