

Misc. Cr. Case No.2581/95

PETITIONER : Chandre Kant Shah

vs.

RESPONDENT : State of M.P.

OBJECTION TO GRANT OF BAIL ON BEHALF OF CHHATTISGARH  
MUKTI MORCHA.

The objector Chhattisgarh Mukti Morcha most humbly begs to submit as under :-

1. That the objector is a Registered Political party founded by the deceased Shankar Guha Neogi who was ~~was~~ assassinated in Sept. 1991. The petitioner is one of the prime accused in this case.

2. That the petitioner had filed this application on the similar grounds. The only new grounds is one of a delay in trial which it is alleged violates the applicant's fundamental rights under Article 14, 19 & 21 of the Constitution.

3. That the prosecution in this according to the petitioner rests on the following facts :-

(1) That the petitioner went with two others to Nepal to procure ~~arms~~ which was bought by them.

(11) That the petitioner met Surajmal Kakaria on 28.9.91 and asked him whether he knew that Neogi had been shot.

(111) During the search in the petitioner's office 6 tom pieces of letter written by co-accused Gyan Prakash Mishra was ~~seized~~ seized. What the petitioner has not stated is the conspiracy entered into by the petitioner alongwith other co-accused, master-minded by him. His conduct

during this period, the fact that a sizable amount of money has exchanged hands would lead to an irresistible conclusion. That the petitioner is one of the prime men accused in this case. This finding is given credence in the rejection order passed by the Hon'ble Awasthy J. wherein his Lordship while rejecting the bail order on 29.9.94 has held that the case against the applicant stands on somewhat different footing than the co-accused/ conspirators who have been released on bail.

The allegation therefore that the petitioner's case stands on the same footing as the other co-accused is therefore categorically denied, in view of the his Lordship's order in M.Cr.C. 3529/94.

4. The fact of delay in the trial would be suitably replied to by the State Govt. It may however be submitted that looking to the facts and circumstances of the case it is the applicant himself who has primarily been responsible for the delay in trial particularly from the period 28.4.92 to 19.10.93 wherein he has tried to explain his absence by stating that he was abducted from the P.K. Hospital Raipur by 2 Police in police uniform who were in fact were triable by Bastar masquerading as police men. It has nowhere been explained by the petitioner as to why he has been not abducted or whether any ransom ransom had been asked for. The whole nexus of the story appears to be concocted and well planned.

5. The fact therefore that the petitioner has already absconded once for a period of 1½ years humankindly is on record even though he has tried to explain his disappearance on the ground that he had been abducted. Moreover to avoid the C.B.I. investigation, after the death of Neogi the petitioner had absconded from United A hue and cries have been raised by his family member in which they have alleged that the petitioner had been shot dead by the police and his body had disappeared. The petitioner had surfaced after a few months.

In relation to the antecedents of the petitioner attention of this Hon'ble Court may be invited to the order dated 11.8.88 passed by the designated court Raipur wherein it was brought to light that the applicant was on enemical term with one Gurmeet Singh and that in pursuance of the aforesaid he had given his Jeep to his henchman Gyan Prakash Mishra, co-accused in this case to procure arms and men to do away this Gurmeet Singh. To Gurmeet Singh good fortune all the accused were arrested by the police.

6. The objector fear that if the petitioner is ~~admitted~~ released on bail he would tamper with the prosecution evidence which would be evident from the fact that even ~~though~~ though in jail many of the prosecution witnesses are turning hostile. If the petitioner is released on bail the remaining witnesses will also turn hostile as there are under constrad threat.

Affidavits in support are being filed.

S. L. A. K. E. P.

That this Hon'ble Court be pleased to reject the bail petition of the applicant in the interest of justice.

Debalpur

Dtd. 27.9.95

ADV. SCL. FOR OBJECTOR

Misc. Cl. Case No. \_\_\_\_\_/1996

DEFT/PLAINTIFF : Chandra Kant Shah

Vs.

RESPONDENT: State of M.P.

A F F I D A V I T

I, Hiranen Singh Thakur s/o shri Dhirej Singh, aged about 47 years, Vice President, Chhattisgarh Mukti Morcha having its registered office at Camp-I, Balli-Naghar Distt. Durg do hereby solemnly affirm on oath as under:-

1. That I am the Vice President of the Chhattisgarh Mukti Morcha and I am conversant with the facts of the case.

2. That I have gone through the contents of the attached objection to grant of bail.

3. That the contents of the objection are true to my knowledge and information received and believed to be true.

DEPONENT

VERIFICATION

I, Hiranen Singh the deponent named above do hereby verify that the contents of the above affidavit are true to my personal knowledge. Verified and signed on this 26th day of September, 1996 at Jabalpur.

I identify the deponent

DEPONENT