

**M.Cr.C. No.7343/2017****31.08.2017**

Shri R.S. Bais, learned counsel for the applicant.

Shri Mukesh Kumawat, learned Public Prosecutor for the non-applicant/State.

Heard. Case diary perused.

This is repeat bail petition under Section 439 of Cr.P.C. for grant bail. Applicant – Dinesh is in custody since 9/01/2017 in connection with Crime No.109/2016 registered at Police Station – Pandrinath Indore for the offence punishable under Sections 302, 147, 148, 149, 120-B and 212 of IPC.

His first bail application has been dismissed as withdrawn vide order dated 3/04/2017, passed in M.Cr.C. No.3374/2017 with liberty to repeat the same after recording the court statement of material prosecution witnesses.

As per prosecution story, deceased Chotu @ Yasir, who was working in ready-made garment shop of applicant Dinesh and was staying at the applicant's house only. As Yasir was keeping bad eye on the ladies of the applicant and used to tease them therefore, the present applicant - Dinesh gave contract (supari) of Rs.5,00,000/- to his friend Pawan Rajput for committing murder of Chotu @ Yasir. Co-accused Pawan Rajput along with his friends Ravi, Akash, Rahul, Chintu @ Raj prepared a plan to commit the murder of Chotu @ Yasir. As per their plan, they called Chottu @ Yasir to C.P. Shekar Nagar where Ravi, Akash, Chintu @ Raj and deceased Chotu @ Yasir consumed liquor and, thereafter they committed murder of Chotu @ Yasir by causing multiple stab injury to him. As per Postmortem report, multiple stab injuries have been received by deceased – Chotu @ Yasir and the cause of his death was due to head separation from the neck region by hard and sharp object.

Learned counsel for the applicant has drawn my attention the court statement of Sultana(PW1), mother of the deceased, Meenakshi (PW2) and Rihanabi(PW3) and submitted that the above three witnesses have not supported the case of the prosecution and prays for grant of bail.

On the other hand, learned Public Prosecutor for the State opposed the prayer and submitted that the present applicant is the main conspirator. It is he, who had prepared a plan to eliminate the deceased and gave Rs.5,00,000/- to the contract killer Pawan Rajput who along with other co-accused persons committed the murder of deceased. As per record, Crime Nos. 447/13, 69/15, 24/15 and 4/16 were registered under Sections 294, 323, 506, 420, 467, 468, 471, 201 of IPC and under Section 110 of Cr.P.C. and prays for its rejection.

Looking to the grievousness of the crime and the involvement of the present applicant(main conspirator) in the alleged offence, no case for grant of bail, as prayed is made out.

M.Cr.C No. 7343/2017 filed by the applicant has no merit and is accordingly dismissed.

**(P.K. Jaiswal)**  
**Judge**

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