

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.467 of 2019**

Naihar Sai S/o Sahdev Kanwar Aged About 27 Years R/o Kapapara, Kot, P. S. Sitapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-Applicant

For Applicant:	Shri Shakti Raj Sinha, Advocate.
For State/Non-Applicant:	Shri Ravish Verma, Govt Advocate.

Single Bench: Hon'ble Shri Sanjay K. Agrawal, J
Order On Board

20.05.2019

1. The accused/Applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.110/2018 registered at police Station Sitapur, District Surguja (CG) for the offence punishable under Section 302 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 23.08.2018, the Applicant murdered Ram Kumar Paikra by causing fatal blow by means of sickle and thereby committed the aforesaid offence.
3. Learned Counsel for the Applicant would submit that the Applicant is an innocent person and has falsely been implicated in the crime in question. In fact, the deceased has trespassed the house of the Applicant and outraged the modesty of his wife and his case is covered by Clause Fourth of Section 103 of Indian Penal Code. He further submits that the Applicant is in jail since 23.08.2018 and the charge sheet has already been filed. He lastly submits that the trial is likely to take some time for its final disposal, therefore, no

purpose would be served if the Applicant is detained in jail and therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the prayer for bail while submitting that it is the Applicant who caused the death of Ram Kumar Paikra in the presence of two eye-witnesses namely Rajesh and Kusum Paikra, who is the wife of the Applicant and as such, the Applicant is not entitled to be released on bail.

5. I have heard rival submissions of learned Counsel for the parties and also gone through the case diary.

6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and the manner in which the Applicant is said to have murdered Ram Kumar Paikra, I am not inclined to allow this application.

7. Accordingly, the instant regular bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Vacation Judge