

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3315 of 2019

Ganesh Ram Paikra, S/o. Ghurau Paikra, Aged About 40 Years, R/o. Sur Kabristan Para, Police Station- Sitapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station- Sitapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate
For Respondent/State	: Mr. Vikram Dixit, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.02/2019, registered at Police Station – Sitapur, District – Surguja (C.G.) for the offence punishable under Section 302, 201 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 16.01.2019. The only eye-witness to this incident is one Prakash Paikara, who has been examined before the trial Court and he has not supported the

prosecution case, therefore, there is no evidence for prosecution of this applicant. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that trial is pending and circumstantial evidence may prove the case against the applicant, therefore, the applicant may not be released on regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on 10.01.2019 at about 2.00 AM in the night, the applicant and the deceased Dineshwar Prasad Kindo had an altercation in which this applicant assaulted the deceased with hands, fists and kicks, which resulted in his death. It is alleged that later on this applicant has attempted to cause disappearance of the evidence of crime by throwing the body of the deceased in burial ground.
6. Considered on the submissions made and the contents of the case diary. The only eye-witness in this case is Prakash Paikara, who has not supported the prosecution case, therefore, he has been declared hostile. After perusing the other evidence i.e. proposed against this applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram