

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 08-12-2020Order delivered on 16-12-2020MCRCA No. 1111 of 2020

1. Shiv Kumar Pal S/o Late Beniram Pal Aged About 39 Years R/o Near Rukmani Kirana Store, Adarsh Para Rawabhata, Ps Khamtarai, Tahsil And District Raipur, Chhattisgarh
2. Chandrika @ Rakhi Pal D/o Shiv Kumar Pal Aged About 35 Years R/o Near Rukmani Kirana Store, Adarsh Para Rawabhata, Ps Khamtarai, Tahsil And District Raipur, Chhattisgarh
3. Jayesh Pal S/o Shiv Kumar Pal Aged About 18 Years R/o Near Rukmani Kirana Store, Adarsh Para Rawabhata, Ps Khamtarai, Tahsil And District Raipur, Chhattisgarh
4. Payal Pal S/o Shiv Kumar Pal Aged About 19 Years R/o Near Rukmani Kirana Store, Adarsh Para Rawabhata, Ps Khamtarai, Tahsil And District Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Office-In-Charge, P.S.- GRP, District Raipur, Chhattisgarh

---- Respondent

For Applicants Mr. Ashutosh Mishra, Advocate

For Respondent /State Mr. Ravish Verma, G. A.

Hon'ble Mr. Justice Prashant Kumar Mishra

CAV Order

1. Heard.
2. The applicants have preferred this application for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.37/2019, registered at Police Station GRP Raipur, District-Raipur C.G. for offence punishable under Sections 302,

201, 120B, 34 of the I.P.C.

3. The present FIR has been registered upon direction by the Judicial Magistrate First Class under Section 156 (3) of the Cr.P.C. wherein the complainant Mahettar Sahu alleged that his deceased son Dev Kumar Sahu has been murdered by the present accused persons during the intervening night of 15/16-03-2018.
4. According to the complainant, deceased Dev Kumar Sahu had an affair with the applicant No.4 Payal Pal, daughter of applicant No.1. On the fateful night, Dev Kumar had gone to meet Payal at her house. Seeing both of them in an objectionable position, the accused persons assaulted the deceased as well as Payal. When the deceased became unconscious due to severe beating, he was thrown on the Railway track, where he died. The complainant further alleged that despite continuous and regular complaints by the complainant, the Police Officers did not make proper investigation. Call details of the mobile set of the deceased, CCTV footage, tower location, message, WhatsApp, etc. were not investigated and rather the Police having obtained mobile phone of the deceased from the place of occurrence returned the same to the complainant after three days and in the meanwhile deleted all the records.
5. As per the dead body inquest conducted on 16.03.2018, the death occurred due to the deceased being dashed against the running train.
6. However, perusal of the postmortem report would reveal that there

is no such head injury caused to the deceased which may result if he had come down or dashed against a running train. In such eventuality head is likely to be crashed but the postmortem report has found injury over right elbow, right hand, chest, chin, forearm, right shoulder, etc. neck, lungs, heart, mouth and other important internal organs were found intact. Moreover, accused Jayesh Pal had himself lodged an FIR that some miscreant had entered their house in the midnight of 15/16.03.2018 and had gagged his sister Payal by a cloth and assaulted her. When Jayesh Pal tried to catch hold of the unknown person, he ran away. From this FIR also, it appears that some incident had happened in the house of the accused persons on the fateful night, therefore, the story narrated by the complainant does not seem to be a wishful thinking.

7. Considering the manner in which a heinous offence like murder has been committed, custodial interrogation of the accused persons appears to be necessary, which cannot happen if they are released on anticipatory bail, therefore, I am not inclined to release the applicants on anticipatory bail.
8. Accordingly, the anticipatory bail application is rejected.

SD/-

(Prashant Kumar Mishra)
Judge

Gowri