

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7702 of 2020

1. Devdutt Singh Paikra S/o Basantlal Paikra Aged About 28 Years R/o Village Kot Kadamtikra, Police Station And Tehsil Sitapur, Distrit Surguja, Chhattisgarh
 2. Baagar Ram S/o Sitaram Aged About 55 Years Occupation - Agriculture, R/o Village Kot Kadamtikra, Police Station And Tehsil Sitapur, District Surguja, Chhattisgarh
- Applicants**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Surguja, Chhattisgarh

---- Respondent

For Applicants	:	Shri Shakti Raj Sinha, Advocate
For Respondent/State	:	Shri K.K. Pandey, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/12/2020

Heard.

1. The applicants have been arrested in connection with Crime No.143 of 2019 registered at Police Station- Sitapur, District Surguja (CG) for the alleged commission of offence under Section 302, 34 of IPC.
2. Case of the prosecution is that the applicants and co-accused committed murder of the deceased.
3. Learned counsel for the applicants would submit that the applicants have been involved in the alleged commission of offence only on the basis of suspicion and there is no eyewitness. He would submit that after about 1½ months after the incident, the police has recorded statements of one Sumitra and Jhaduram on 19.01.2020 where for the first time, they have come out to say that they heard certain voices and on that basis, the applicants are being involved in the alleged commission of offence. He would submit that the case of other co-accused namely Basantlal Paikra and Omkar Paikara was considered by this Court and both of them have been granted bail in M.Cr.C. No.5760/2020 and M.Cr.C. No.5293/2020 respectively. Therefore, at this

stage, the applicants may also be granted bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail and would argue that even though there is no eyewitness to the incident in the statement of Sumitra and Jhaduram and they have stated that they could identify these applicants and the co-accused on the basis of the voice heard by them. Therefore, prime material is there.
5. Considering the submission of learned counsel for the parties, particularly taking into consideration that the involvement of the present applicants are based on the statement of Sumitra and Jhaduram whose statement was recorded on 19.01.2020, after about 1½ months of the incident and they also do not claim to be eyewitness but the involvement is based on the ground that the voices heard by them appear to be that of the present applicants and co-accused and further taking into consideration that the co-accused Basantlal Paikara and Omkar Paikara have been granted bail, the allegation against the applicants are identical with the co-accused, hence on the ground of parity, the applicants are also entitled to grant of bail, therefore, the application is allowed.
6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge