

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 55 of 2021

1. Sardar @ Amru Paikra Son Of Late Vijay Paikra Aged About 45 Years R/o Harri, Thana And Tahsil Kusmi, District Balrampur Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh
2. Ghurva Paikra Son Of Late Jagu Kanwar Aged About 45 Years R/o Harri, Thana And Tahsil Kusmi, District Balrampur Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh
3. Vikas Paikra @ Teepan Son Of Gagraha Paikra Aged About 22 Years R/o Harri, Thana And Tahsil Kusmi, District Balrampur Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Kusmi, District Balrampur Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh

--Non-Applicant

For Applicants	: Shri A.K. Yadav Advocate
For Non-Applicant/State	: Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09.02.2021

- 1) The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 24.9.2020 in connection with Crime No.70/2018 (crime no.111/2020 is wrongly mentioned in the impugned order), registered at Police Station- Kusmi, District Balrampur Ramanujganj(CG) for the offence punishable under Sections 302, 120B 34 of the IPC.
- 2) Case of the prosecution is that complainant Lambar Paikara lodged a report to the police that in the night of 23.8.2018 when his father- Godam Ram was sleeping in his room on the cot, somebody entered in the house and broken the bulb and holder and thereafter murdered his father. During investigation, on suspicion, the applicants were taken into custody and in their memorandum statements they have accepted commission of

crime.

- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits that the applicants have been arrested on the basis of their memorandum statements which is recorded after 2 years of the incident, but nothing has been seized from their possession and there is no eye witness to the incident. He submits that as the applicants have been arrested on 24.9.2020 and trial is likely to take some time for its final disposal, therefore, the applicants may be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application. He submits that there are serious allegations against applicant No.1. He entered into the house of the deceased and broken the bulb and holder and put chilly powder in the eyes of the deceased and thereafter committed murder of the deceased and he has admitted that on account of land dispute, he has committed murder of the deceased making conspiracy with applicant Nos. 2 and 3. He submits that the Doctor has opined that the deceased died due to syncope and excessive haemorrhage due to rupture of spleen and lung and the death is homicidal in nature.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the memorandum statements of the accused/applicants, in which applicant No.1 has admitted that on account of land dispute he has murdered the deceased and from the place of incident broken bulb, holder and wire was seized, I am not inclined to grant bail to the applicant No.1. Accordingly, the bail application filed on behalf of applicant No.1-Sardar @ Amru Paikara is dismissed.
- 6) So far as applicant No.2- Ghurva Paikra and applicant No.3- Vikas Paikra is concerned, only allegations against them are that they have made conspiracy of murder of the deceased along with applicant No.1 and nothing has been seized from their possession and there is no other evidence against them,

accordingly, the bail application filed on behalf of applicant No.2- Ghurva Paikra and applicant No.3- Vikas Paikra is allowed.

7) It is directed that in the event of applicant No.2- Ghurva Paikra and applicant No.3- Vikas Paikra executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on the following conditions:-

(a) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

8) In the result, the bail application filed on behalf of applicant No.1- Sardar @ Amru Paikra is dismissed as mentioned above.

Sd/

**(Gautam Chourdiya)
Judge**