

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 901 of 2021

1. Vikash Suryawanshi, S/o Takhatram, Aged About 21 Years, R/o Village Tekar, Near Chandani Chowk, Sipat, District Bilaspur Chhattisgarh.
2. Takhatram, S/o Teejram, Aged About 50 Years, R/o Village Tekar, Near Chandani Chowk, Sipat, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through its Police Station Sipat, District-Bilaspur, Chhattisgarh.

---- Non-Applicant/State

For Applicants	: Mr. Ravi Maheshwari, Advocate
For Non-Applicant/State	: Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22.03.2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 08.08.2020 in connection with Crime No. 363 of 2020, registered at Police Station- Sipat, Civil & Revenue District-Bilaspur (C.G.) for the offence punishable under Section 302/34 of IPC.
- 2) Case of the prosecution, in brief, is that on 07.08.2020 in morning the complainant alongwith his wife went to the field for agricultural work, the elder son of the complainant Motilal, younger son Rameswar and daughter Patrika Kumari were at home. At that time, elder son of the complainant Motilal went to bus stand for purchasing Sim Card and while returning home near Chandani Chowk at around 1.20 pm, the present applicants armed with Axe and iron rod assaulted Motilal on his head and on the spot he died.

- 3) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question, they have not committed any offence. Learned counsel for the applicants further submits that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants have been arrested on 08.08.2020, charge-sheet has already been filed and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application and submits that looking to the statements of the eye witnesses namely Karan Suryawanshi and Rameshwar Kumar the applicants are not entitled for bail.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of injury found on the body of the deceased, statements of the eyewitnesses, death of the deceased Motilal on the spot, without commenting anything on merits of the case, I am not inclined to grant bail to the applicants.
- 6) Accordingly, the bail application is dismissed.

(Gautam Chourdiya)

Judge

Nadim