

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4555 of 2021

1. Parmeshwar Giri S/o Gokul Giri Aged About 55 Years
2. Purushottam Giri S/o Parmeshwar Giri, Aged About 38 Years

Both are R/o Village Semarkana, Police Station Kunda, District Kabirdham Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kunda, District Kabirdham Chhattisgarh

---- Respondent

For Applicant
For Respondent /State

Mr. Pawan Kumar Kashyap, Advocate
Mr. Sudeep Agarwal, Dy. AG

Proceedings through Video ConferencingSB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. CJOrder On Board24/8/2021

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.25/2021 registered at Police Station Kunda, District Kabirdham(CG) for the offence punishable under Sections 302, 201/34 of the IPC.

3. Applicant No.1 Parmeshwar Giri is the father-in-law and applicant No.2 Purushottam Giri is the brother-in-law (*Sala*) of deceased Balram Puri, who was allegedly murdered by the applicants between 7.2.2021 and 9.2.2021.
4. It is the case of the prosecution that Neeru, wife of the deceased, had some dispute with the deceased, therefore, she was residing with the applicants in her parental house. Due to this dispute, an altercation took place between the applicants and the deceased a few days prior to the present incident, in which, the deceased bit the thumb of applicant No.2 Purushottam Giri. The dispute, therefore, aggravated and to take revenge, applicant No.2 assaulted the deceased and having found him dead, the dead body was thrown in a *Nala*. The postmortem report has not given any definite opinion about cause of death. Two witnesses namely Ashwani Yadu and Hemant Singraul informed the Police on 19.3.2021, the very next day of the arrest of the applicants, that applicant No.2 made confessional statement before them. In the statements of these two witnesses, the date of revelation by the applicant has not been mentioned. Moreover, Ashwani Yadu has also informed that 2-3 days before the actual revelation by the applicant, one staff of the local Police was making enquiries from the present applicants.
5. Considering the entire facts' situation of the case particularly lack of medical opinion about homicidal death and for the fact that no external injury was found on the person of the deceased

and the applicants are in jail since 18.3.2021, I am of the opinion that present is a fit case to release the applicants on regular bail.

6. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each in the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

7. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Acting Chief Justice

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