

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4776 of 2021

1. Sampal Paikra S/o Late Samrath Paikra Aged About 40 Years
2. Sunita Paikra W/o Sampal Paikra Aged About 39 Years
3. Goutam Paikra S/o Sampal Paikra Aged About 20 Years

All are residents of Village Satyanagar, Police Station Bhaiyathan Jhilmili, District Surajpur Chhattisgarh.

---- Applicants (In jail)

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Jhilmili District Surajpur Chhattisgarh

---- Respondent

For Applicants	: Shri SA Ansari, Advocate
For Respondent/State	: Shri Dinesh Tiwari, PL

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

09.12.2021

1. Applicants have preferred this application under Section 439 of CrPC for grant of regular bail as they were arrested in connection with Crime No.49 of 2021 registered at Police Station- Jhilmili, District-Surajpur, Chhattisgarh for the offence punishable under Section 302/34 of the IPC.

2. Case of the prosecution, in brief, is that, on 28.05.2021 at about 9 pm applicants and four accused persons, who are juvenile, with common intention came to the house of deceased Balnarayan. They called him out and started quarrelling with him with respect to property, stating that he is not giving them share in immovable property. Thereafter, they took the deceased 200 mtrs away from his house, assaulted him and caused grievous injuries by means of club, stick and axe. He was taken to hospital, where during the course of treatment, he died. Incident was

reported to concerned Police Station, based upon which aforementioned crime was registered against applicants and juvenile co-accused persons.

3. Shri SA Ansari, learned counsel for the applicants would submit that allegations levelled against applicants are absolutely false and baseless. Place where deceased was allegedly assaulted, is near to house of complainant party. When applicant-1 was returning to his house, complainant and his family members including deceased stopped and assaulted him due to which he suffered head injury. Applicants have not committed any offence as alleged against them. Deceased died on account of injuries which might have been suffered by him, by his own family members. Applicants are in jail since 05.06.2021, charge-sheet has already been filed. Hence, they may be released on regular bail.

4. Shri Dinesh Tiwari, learned State counsel opposing the submissions of learned counsel for the applicants, would submit that there are two eye-witnesses to incident, Kameshwar and Kamla, who are son and grand daughter of deceased, who stated that in the night at about 9 pm, all accused persons entered into house of deceased, caught hold of him, all of them took him 200 mtrs away from his house and caused grievous injuries resulting in his death, hence applicants are not entitled for bail. He read over statement of Kamleshwar and Kamla recorded under Section 161 of CrPC in support of his contention.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations against applicants, facts and circumstances of the case and participation of all the applicants

in commission of alleged crime, I do not find it to be a fit case to enlarge the applicants on regular bail. Accordingly, bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma