

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7295 of 2020

1. Ram Prakash Kujur son of Mohar Lal, aged about 28 years, Resident of Village Siklima, Police Station Lundra, District Surguja (C.G.)
2. Sanju Tirkey son of late Singla Tirkey, aged about 19 years, Resident of Village Siklima, Kudipara, Police Station Batauli, District Surguja

---- Applicants

Versus

- State of Chhattisgarh, Through : the Station House Officer, Police Station Bhanupratappur, District North Bastar Kanker (C.G.)

---- State/Non-applicant

For Applicants	:	Shri V.K. Pandey, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

06.01.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 23.05.2019 in connection with Crime No. 93/2020 registered in Police Station- Bhanupratappur, District North Bastar Kanker (CG) for the offence punishable under Sections 302, 201, 120B read with Section 34 of IPC.
2. Prosecution case is that applicant No.1 Ram Prakash Kujur has committed murder of the deceased and thereafter hidden the dead body of the deceased near *Tonahi Nala* at Village Thakurpur. Allegation against applicant No.2 Sanju Tirkey is that he assisted applicant No.1 in causing disappearance of evidence of the offence.
3. Learned counsel for the applicants seeks to withdraw the bail application on behalf of applicant No.1 Ram Prakash Kujur.
4. Accordingly, the bail application on behalf of applicant No.1 Ram Prakash Kujur is dismissed as withdrawn.
5. Now this Court considers the application on behalf of applicant No.2 Sanju

Tirkey.

6. Learned counsel for the applicants submits that applicant No.2 has been falsely implicated in this crime and the only allegation against applicant No.2 is that he is assisted applicant No. 1 in causing disappearance of evidence of the offence. He also submits that applicant No.2 is languishing in jail since 23.05.2019, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, applicant No.2 be released on bail
7. On the other hand, learned counsel for the State opposes the bail application of applicant No.2.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, there is no specific allegation regarding commission of murder of the deceased against applicant No.2 and the only allegation against him is of removing the dead body of the deceased, further considering the detention period of applicant No.2 and the fact that charge-sheet has already been filed and conclusion of the trial may take some time, without expressing any opinion on merits of the case, the bail application on behalf of applicant No.2 Sanju Tirkey is allowed. It is directed that in the event of applicant No.2 Sanju Tirkey 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. Applicant No.2 is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
9. It is made clear that applicant No.2 shall not involve himself in any offence of similar nature in future or else this order granting bail to applicant No.2 shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge