

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9034 of 2020

- Tiwari Warkade S/o Antram Gond Aged About 26 Years R/o Village Bhawe, Police Station Gatapar, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gatapar, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-Applicant

MCRC No. 9111 of 2020

1. Pannu Uike S/o Fagnu Uike, Aged About 60 Years R/o Village Bhawe, Police Station Gatapar, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
2. Baghel Singh S/o Fagnu Lal Pandre, Aged About 30 Years R/o Village Bhawe, Police Station Gatapar, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
3. Chhotelal S/o Fagnu Lal Pandre, Aged About 42 Years R/o Village Bhawe, Police Station Gatapar, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Gatapar, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

--Non-Applicant

For Applicants	:	Shri Abhishek Sharma, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

27.01.2021

1. As both the MCRCs arise out of the same Crime Number, they are being heard and disposed of by this common order.
2. The applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular

bail to them, as they are in jail since 16.7.2020 and 27.6.2020 in connection with Crime No.19/2020, registered at Police Station-Gatapar, District-Rajnandgaon(C.G.) for the offence punishable under Sections 302, 147, 148, 149, 120-B, 201, 34 of the IPC.

3. Case of the prosecution is that on 24.6.2020, one Surpat Sirsam lodged a report in the Police Station that in the intervening night of 23rd and 24th of June, 2020, some unknown persons have murdered his father- Rajvanshi Sirsam and dead body of his father is lying in the field of Panchu Sirsam. On the basis of suspicion, the applicants were taken into custody and in their memorandum statements, they admitted commission of the crime.
4. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the case. He submits that there is no eye-witness to the incident and the applicants have been taken into custody on the basis of suspicion and there is no connecting evidence against the applicants. He submits that even son of the deceased namely-Surpat and wife of the deceased namely-Bayan Bai have not deposed anything against the applicants. He further submits that charge sheet has been filed and conclusion of trial is likely to take some time, therefore, at this stage, the applicants may be granted bail.
5. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that the applicants have committed heinous offence of murder.
6. Having heard learned counsel for the parties and considering the facts and circumstances of the case and further considering the statements of the son and wife of the deceased; there is no eye-witness to the incident and the material collected by the prosecution, the detention period of the applicants and that conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicants.
7. Accordingly, the bail applications are allowed.
8. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of

Rs.50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on 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.

Sd/
(Gautam Chourdiya)
Judge

sunita