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HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 207 of 2021

1. Jai Prakash Yadav son of Amrit Lal Yadav, aged about 29 years, resident of irrigation Colony, Gourela, District Gourela Pendra Marwahi (C.G.)
2. Dilip Sariwan, son of Ashok Sariwan, aged about 30 years, resident of Pateratola, P.S. Gourela, District Gourela Pendra Marwahi (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Gourela, District Bilaspur now Gourela- Pendra-Marwahi (C.G.)

---- State/Non-Applicant

And

M.Cr.C. No. 576 of 2021

- Teerath Lal Kanshipuri son of late Chhedi Lal Kanshipuri, aged about 23 years, resident of Amadand Dongrapara, P.S. Pendra, District Gourela Pendra Marwahi (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Gourela, District Bilaspur now Gourela-Pendra-Marwahi (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Ashok Soni, Advocate appears in both the applications
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For Non-Applicant/State	:	Shri Ayaz Naved, Government Advocate appears in both the applications
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Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

14.06.2021

1. The applications are heard through Video Conferencing.
2. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same crime number i.e. 143/2020 registered in Police Station- Gourela, Civil & Revenue District Bilaspur now Gourela-Pendra-Marwahi (CG) for the offence punishable under Sections

302, 201, 120-B read with Section 34 of IPC, they are being disposed of by this common order.

3. Learned counsel for the applicants seeks to withdraw the bail application filed on behalf of applicant No.2 Dilip Sariwan in M.Cr.C. No. 207 of 2021. Likewise, he also seeks to withdraw the bail application filed on behalf of applicant Teerath Lal Kanshipuri in M.Cr.C. No. 576 of 2021.
4. Accordingly, the bail application on behalf of applicant No.2 Dilip Sariwan in M.Cr.C. No. 207/2021 and bail application on behalf of applicant Teerath Lal Kanshipuri in M.Cr.C. No. 576/2021 are dismissed as withdrawn.
5. Now this Court considers the bail application filed on behalf of applicant No.1 Jai Prakash Yadav in M.Cr.C. No. 207/2021.
6. As per prosecution case, on the basis of information given by complainant/informant Sushet Lal, police was found dead body of Durgesh Kumar (complainant's nephew) at the field of Gulab Raj. On this, the police registered the offence under Section 302 of IPC against unknown person in Police Station Gourela under Crime No. 143/2020. During investigation, accused/applicant Teerath Lal Kanshipuri was arrested by the police. Upon interrogation, it was revealed that there was illicit relations of applicant Teerath Lal Kanshipuri with the wife of deceased- Durgesh and due to this reason, the deceased used to remain upset and quarrel with his wife. Then the wife of the deceased alongwith applicant Teerath Lal, applicant Dilip Sariwan, applicant Jai Prakash Yadav @ Monu and co-accused persons namely Pawan Singh Marko and Ritesh made conspiracy and committed murder of deceased Durgesh by means of jack-rod and threw the body of deceased on the road.
7. Learned counsel for the applicants submits that applicant Jai Prakash Yadav has been falsely implicated in this crime, there was no role attributed to him. He submits that applicant Jai Prakash Yadav is languishing in jail since

19.08.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, applicant Jai Prakash Yadav be released on bail.

8. On the other hand, learned counsel for the State opposes the bail application filed on behalf of applicant No.1 Jai Prakash Yadav in M.Cr.C. NO. 207/2021.

9. Having heard learned counsel for the parties.

10. Having regard to the facts and circumstances of the case, the fact that applicant No.1 Jai Prakash Yadav in M.Cr.C. No. 207/2021 was following the vehicle when dead body of the deceased was being moved from place of occurrence to other place, there is no any allegation against him that he assaulted the deceased, nor any prima facie other evidence shown against him, that as per memorandum statements of other co-accused persons, applicant Jai Prakash Yadav has not made assault on the deceased, nor any money was taken by him, that the detention period of applicant Jai Prakash Yadav who is 29 years old, charge-sheet has already been, conclusion of the trial is likely to take some, and there is no apprehension of applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application filed on behalf of applicant Jai Prakash Yadav is allowed.

11. It is directed that in the event of applicant Jai Prakash Yadav 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, he shall be released on bail on the following conditions:-

- i. he 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/her from disclosing such fact to the Court.
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date

given to him by the said Court till disposal of the trial.

- iv. he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

12. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar nature of offence.

13. In the result, bail application i.e. M.Cr.C. No. 207 of 2021 is allowed in part whereas bail application i.e. M.Cr.C. No. 576 of 2021 is dismissed as withdrawn.

Sd/-

(Gautam Chourdiya)
Judge