

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 287 of 2021**

- Shubham Chandrakar, S/o Late Chankya Chandrakar, aged about 25 Years, R/o Village Oteband, P.S. Gunderdehi, District Balod, Chhattisgarh.

---Applicant**Versus**

- State of Chhattisgarh, Through P.S. Gunderdehi, District Balod, Chhattisgarh.

----Non-applicant

For Applicant	Mr. Prafull N. Bharat, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****09/03/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.378/2020 registered at Police Station- Gunderdehi, District Balod, C.G. for the offence punishable under Sections 302, 201, 34 of Indian Penal Code.
2. Allegation against the present applicant is that he in association with co-accused Laxman Chandrakar committed murder of Mahipal Chandrakar on 21.08.2020 by assaulting him with stone.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no eyewitness in this case or circumstantial evidence to connect the applicant with the crime in question. The applicant is in jail

since 25.08.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations made against the applicant, further considering the fact that the assault was made by co-accused Laxman Chandrakar upon the deceased by stone and co-accused Laxman Chandrakar also admitted in his memorandum statement that the present applicant was only helping him in destroying the evidence, there is no memorandum of the applicant or seizure of any incriminating article from the applicant, the detention period of the applicant, who is 25 years of age, charge sheet has already been filed, the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant 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 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 not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh