

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 407 of 2021

- Sonu Yadav @ Ishwar Yadav, S/o Shri Raghunandan Yadav, Aged About 20 Years, R/o Ward No. 01, Vidya Vihar, Near College, Maharana Pratap Nagar, Tifra, Bilaspur (C.G.).

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station Sirgitti (wrongly mentioned as Chakarbhatta in the impugned rejection order of the learned Court below) District Bilaspur (C.G.).

---- Non-applicant

MCRC No. 623 of 2021

- Naresh Pandey, S/o- Ramnarayan Pandey, Aged About- 23 Years, R/o Ward No. 02, Vidya Vihar, Near College, Maharana Pratap Nagar, Tifra, Bilaspur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station Sirgitti, District: Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicants	:	Shri Yogeshwar Sharma and Shri Kunwar Lal Sahu, Advocates
For Non-Applicant/State	:	Smt. Shubha Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10.03.2021

- 1) As all the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
- 2) The applicants have preferred these first bail applications under Section 439 of Code of Criminal Procedure, 1973, as they were

arrested in connection with Crime No. 629/2020 for offence under Section 392 read with Section 34 of the IPC, registered at Police Station-Sirgitti, District- Bilaspur (C.G.).

- 3) Allegation against the present applicants is that they were assaulted the complainant/victim namely Surajbhan Kenwat and committed loot on the point of gun of Rs. 4,000/- and went away, during investigation one motorcycle was seized from the possession of applicant Suraj Yadav.
- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question, he further submits that the applicants are young offenders, they have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants are in jail since 15.12.2020, charge-sheet has already been filed and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application, however, she submits that the applicants have no criminal antecedent.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants who are 20 and 23 years old, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been granted and conclusion of trial may take some time, without commenting anything on merits of the case, the applications are allowed.
- 7) It is directed that in the event of each of the applicants 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, they shall be released on bail on the 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim