

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 831 of 2021

1. Sumit Yadav S/o Rajauram Yadav, Aged About 20 Years, By Caste Raut, R/o Rajapara, Kanker, Tahsil And District U.B. Kanker (C.G.).

---- Applicant

Versus

1. The State Of Chhattisgarh, Through Police Station Kanker, Distict U.B. Kanker (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Parag Kotecha, Advocate.
For Non-Applicant/State	:	Mr. Hariom Rai, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 29/08/2020 in connection with Crime No. 237/2020 registered at Police Station Kanker, Distict U.B. Kanker (C.G.) for the offence under Sections 294, 323, 307, 324, 352 & 34 of IPC.
- 2) Case of the prosecution, in brief, is that on 28/08/2020 at about 07:00 PM complainant Madhu Kumar Markam alongwith his friend Sunil Yadav and Chintu had gone to Gadiya Hill, where the present applicant alongwith co-accused Shambhu Yadav came there and due to previous enmity, Shambhu Yadav assaulted Sunil Yadav with a knife like weapon on his chest as a result of which blood started oozing. When the complainant and his friend Chintu intervened, they also sustained injury. On report being lodged to the above effect, offence has been registered against the accused persons.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 29/08/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the allegation of assault is made against co-accused Shambhu Yadav, no any assault was made by the present applicant, the detention period of the applicant who is 20 years old boy, charge sheet has already been filed, the fact that no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant 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 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant