

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1118 of 2021

1. Sandeep Netam, S/o Rup Singh Netam, Aged About 23 Years, R/o Sonumuda, District- Raigarh, Chhattisgarh.
2. Rakesh Sidar, S/o Shankar Lal Sidar, Aged About 35 Years, R/o Rajiv Nagar, District- Raigarh, Chhattisgarh. ---- **Applicants**

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station City Kotwali, District - Raigarh Chhattisgarh.

---- Non-Applicant

For Applicants	:	Shri Ashish Gupta, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17.06.2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 25.12.2020 in connection with Crime No.916/2020, registered at Police Station- City Kotwali, District- Raigarh (C.G) for the offence punishable under Section 294, 323, 506, 452, 34 of I.P.C.
- 2) At the outset, learned counsel for the applicant seeks to withdraw the bail application insofar as it relates to the applicant No.1 Sandeep Netam.
- 3) Case of the prosecution, in brief, is that on 23.12.2020 at about 20.10 hrs. the complainant namely Sitaram Chauhan was in his shop at that point of time the brother-in-law of applicant No.1 Sandeep came to the shop of the complainant and demanded some article, the complainant told him that demanded article is

not available, thereupon, the brother-in-law of applicant No.1 started abusing filthily and threatened to kill the complainant and went away. Later, around 3-4 PM, the brother-in-law of Applicant No.1, applicant No.1 Sandeep @ Sakal, Kapil, Chaahat alongwith 20-25 persons, armed with iron rod and club forcefully entered the shop of the complainant and assaulted son and wife of the complainant and threatened them to life.

- 4) Learned counsel for the applicants submit that the applicant No.2 -Rakesh Sidar has been falsely implicated in the crime in question. Learned counsel for the applicant further submits that applicant No.2 has no criminal antecedent, he is young offender, there is no likelihood of his tampering with the prosecution evidence or absconding and he is in jail since 25.12.2020 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicant No.2 Rakesh be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application and submits that the applicant No.2 was also involved in the alleged commission of offence and he also assaulted the complainant party. However, he submits that the applicant No.2 has no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of the injuries, the detention period of the applicant No.2 Rakesh, who is 35 years old and the fact that the applicant No.2 Rakesh has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding as admitted by both the counsels and due to Covid-19 pandemic conclusion of trial may take some time, without commenting anything on merits of the case, the application on behalf of applicant No.2 Rakesh Sidar is allowed.
- 7) It is directed that in the event of the applicant No.2 Rakesh Sidar 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 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 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.

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 offence in future.

In the result: The present bail application on behalf of applicant No.1 Sandeep Netam is dismissed as withdrawn whereas it is allowed on behalf of applicant No.2 Rakesh Sidar on above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

Nadim