

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1107 of 2021

- Dev Singh Yadav S/o Shri Madhusudan Yadav, aged about 26 years, R/o Village – Tankmunda, P.S. & Tahsil – Farsabahal, Civil & Revenue District – Jashpur (C.G.)

---- Applicant

Versus

- The State of Chhattisgarh, Through the Station House Officer, Police Outpost Kotba, Police Station – Bagbahar, District - Jashpur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Sunil Sahu, Advocate
For Non-Applicant/State	:	Shri Vaibhav Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

26.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 05.01.2021 in connection with Crime No. 75/2020 registered in Police Station- Outpost Kotba, Police Station Bagbahar, District Jashpur (CG) for the offence punishable under Sections 294, 323, 342, 506-B, 395, 397, 398 120-B & 216 (A) of IPC.
2. Case of the prosecution is that on 03.08.2020 complainant Sachhidanand @ Sachin Bhagat, who is supervisor in the foreign liquor shop situated at Kotba, lodged a written report against unknown persons alleging that on 02.08.2020 at about 09:30, he closed foreign liquor shop and all the staff of the said shop went towards the guard room. At that time six accused persons reached the guard room with their faces covered, abused them filthily and on the point of *Katta* (pistol), all the accused persons beat the complainant, guards & Pawan Sharma and looted eight mobiles, scanner machine and Rs.7,000/- from them. During investigation, co-accused Banarshi @ Kaseya and Suresh Kerketta were arrested by the police and in their memorandum statements they disclosed that they have committed the

said crime along with other co-accused namely Budho Oraon, Gagan Lohar, Sahoo Soro & Suresh Oraon.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that one accused namely Manoj Yadav in other crime is relative of the applicant and on the request of Manoj Yadav, the applicant had allowed co-accused persons namely Barnarshi, Budho Oraon, Gagan Lohar, Sahoo Soro, Suresh Kerketta & Suresh Oraon to stay in his house. He also submits that there is no seizure made from the applicant. He also submits that the applicant is languishing in jail since 05.01.2021, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. He submits that there is one criminal antecedent of the applicant of the year 2019 under Section 379 of IPC in which accused Manoj Yadav is also one of the accused.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the allegation made against the present applicant that on the request of his relative Manoj Yadav, he allowed co-accused persons to stay in his house, no any recovery was made from the applicant, he has no other criminal antecedent except one crime number which is of the year 2019, the detention period of the applicant who is 26 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some time and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
6. 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

7. 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.

Sd/-
(Gautam Chourdiya)
Judge