

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1364 of 2021

- Prakash Jain, S/o Sundarlal Ji Baradiya, Aged about 47 years, R/o Current Address Mahuabhata, District Nuapada, (Orrisa)

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, P.S. Khallari, District Mahasamund (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Shailendra Dubey, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

17.06.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 10.12.2020 in connection with Crime No. 234/2020 registered in Police Station- Khallari, District Mahasamund (CG) for the offence punishable under Sections 365, 364 (a), 370, 384, 506 read with Section 34 of IPC.
2. Prosecution case in brief is that complainant namely Birbal Yadav lodged the complaint in Police Station Khallari, District Mahasamund (C.G.) stating that on 08.12.2020, his daughter-in-law namely Tarini Yadav was kidnapped by some unknown persons. At the time of incident complainant's family members were not present at their home. When the complainant inquired about his daughter-in-law from the neighbours, he came to know that some unknown persons took her in their four wheeler vehicle. The police has registered the offence under Section 364(a), 370, 385, 506 read with Section 34 of IPC. During investigation, the present applicant alongwith co-accused namely Yashoda Manjhi were arrested by the police on 10.12.2020.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits

that Tarini Yadav and her husband have jointly filed an application for no objection to grant of bail to the applicant before the trial Court which is duly supported by their affidavits filed as Annexure-A/2 in present bail application and they stated on affidavit that she (Tarini Yadav) was not kidnapped by the applicant and Yashoda Manjhi, they were not demanded the money as ransom and there is no previous enmity with the applicant. He also submits that the applicant is in jail since 10.12.2020, charge-sheet has been filed and due to covid-19 pandemic, conclusion of the trial is likely to take some time, therefore, he be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Having regard to the facts and circumstances of the case, the fact that Tarini Yadav and her husband have jointly filed an application for no objection to grant of bail to the applicant before the trial Court which is duly supported by their affidavits and they stated on affidavit that Tarini Yadav was not kidnapped by the applicant and he was not demanded the money as ransom, further the detention period of the applicant who is 47 years old, charge-sheet has already been filed and due to covid-19 pandemic conclusion of the trial is likely to take some time, the applicant has no criminal antecedent as admitted by both the counsel, 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/her 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.

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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti