

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 2972 of 2021

- Praveen Yadav @ Praveen Krishna Yadav S/o. Shivsharan Yadav, aged about 21 years, R/o Village – Amadri, P.S. - Rajpur, District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station – Dhaurpur, District Surguja (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Akath Kumar Yadav, Advocate
For Non-Applicant/State	:	Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

08.07.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 25.03.2021 (wrongly mentioned as 26.03.2021 in the impugned order) in connection with Crime No. 31/2021 registered in Police Station- Dhaurpur, District Surguja (CG) for the offence punishable under Sections 147, 148, 149, 294, 506, 323 & 307 of IPC.
2. The prosecution story, in brief is that on 25.03.2021, the complainant lodged a report against the present applicant and other co-accused persons at Police Station Dhaurpur stating that the applicant and his friend have assaulted the complainant party and tried to commit murder of the complainant in which injured- Sampat and Ajeet sustained injuries on their temporal and occipital region.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and submits that he has not assaulted the complainant party but the complainant party have assaulted him and their friends by fists and *clubs*, therefore, the applicant has lodged the report in

the same police station against the complainant party which was registered under Crime No. 32/2021 marked as Annexure-A/2 in present bail application. He also submits that both injured have not sustained major injuries and they have been discharged from the hospital. He further submits that the applicant is in jail since 25.03.2021, there is no likelihood of the applicant tampering with the prosecution evidence or absconding and due to Covid-19, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, considering the counter case lodged by the present applicant against the complainant party in the same police station, the detention period of the applicant who is 21 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and charge-sheet has been filed, due to covid-19 pandemic, conclusion of trial may take some time, further considering that the injured persons have not sustained major injuries and have already been discharged from hospital, without commenting anything on merits of the case, the application is allowed.
7. It is directed that in the event of applicant executing a personal bond for a sum of Rs1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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.

8. 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