

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3238 of 2021

1. Krishna Kumar Yadav @ Golu Yadav S/o Shri Ramsharan Yadav, Aged About 36 Years, R/o Village Lachanpur, P.S. And Tehsil Janjgir, District Janjgir-Champa (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Janjgir, District Janjgir-Champa (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Harshmander Rastogi, Advocate.
For Non-Applicant	:	Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/07/2021

- 1) The matter is heard through video conferencing.
- 2) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 8471/2020 was dismissed as withdrawn on 18/01/2021.
- 3) The applicant is arrested on 13/06/2020 in connection with Crime No. 269/2020 registered at Police Station Janjgir, District Janjgir-Champa (C.G.) for the offence under Section 294, 506, 147, 148, 149, 323 & 302 of Indian Penal Code.
- 4) Case of the prosecution, in brief, is that complainant Horilal Yadav lodged a report at Police Station Kotwali Janjgir, District Janjgir-Champa (C.G.) to the effect that there has been dispute animosity between his elder brother Teras Yadav and one villager Ramgopal Sahu for the last 5 years over the issue of election. It is stated that on 12/06/2020 at 6:00 PM at village

Lachanpur near Mata Choura, the brother of the complainant namely Teras Yadav was brutally assaulted by the applicant and the other co-accused persons with common intention by clubs, bricks, stones and gupti. When the complainant, Rajkumar and Narendra Yadav intervened in the matter, they too were assaulted by club and stone, therefore, they fled away from there out of fear. Later on they came to know that Teras Yadav has died in the District Hospital.

- 5) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 13/06/2020, charge sheet has been filed and conclusion of the trial is likely to take some time due to COVID-19 Pandemic. Therefore, the present applicant be released on bail.
- 6) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 7) I have heard the learned counsel appearing for the parties.
- 8) Considering the facts and circumstances of the case, the fact that there are number of eye witnesses to the incident stating about the role of the applicant in commission of the offence, the allegation made against the applicant in assaulting the deceased alongwith other co-accused persons, gravity of offence and other material available on record, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge