

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3326 of 2021

- Dilharan Yadav, S/o Munjlu Yadav, Aged About 60 Years, R/o Village Amora, Police Station Mulmula, District Janjgir Champa, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- S.H.O. Police Station Mulmula, District- Janjgir- Champa, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Sumit Singh, Advocate
For Non-Applicant/State : Shri C.B. Kesharwani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

27.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 29.03.2021 in connection with Crime No. 71/2021, registered at Police Station- Mulmula, District- Janjgir-Champa (C.G.) for the offence punishable under Section 294, 307 of IPC.
- 2) Case of the prosecution, in brief, is that on 29.03.2021 the complainant's father-Banvasi Ram Yadav had land dispute with his neighbor- Dilharan Yadav (applicant herein). When the victim- Banvasi Ram Yadav was sitting in his veranda, the present applicant alongwith other co-accused persons came to his house and with intention to kill the victim, abused him filthily, assaulted him with knife on his mouth, as a result of which victim/father of the complainant sustained injuries.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant has no criminal antecedents, as per MLC report simple injury found on the body of the victim, charge-

sheet has already been filed, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 29.03.2021 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 and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of allegation made against the present applicant, nature of injury sustained by the victim- Banvasi Ram Yadav, charge-sheet has already been filed, the detention period of the applicant, who is 60 years old and 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 due to Covid-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the 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 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.

Sd/-
(Gautam Chourdiya)
Judge

Nadim