

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3505 of 2021

- Ashok Valde, S/o Bideshi Valde, Aged About 43 Years, R/o Village Murmunda, Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicant	: Mr. J.K. Gupta and Mr. Devershi Thakur, Advocates
For Non-Applicant/State	: Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 10.03.2021 in connection with Crime No.10/2017, registered at Police Station-Dongargarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 307, 147, 148, 149, 332, 353, 186, 435 of IPC and Section 3 & 4 of Prevention of Damages to Public Property Act, 1984.
- 2) Case of the prosecution, in brief, is that in the night intervening 06-07 January, 2017 one '*Madai Mela*' was organized in the village Murmunda. Some cultural program was going on in the said village, during the cultural program, the present applicant alongwith other co-accused persons creating nuisance and disrupting the program. On complaint being made to the police, the police party reached to the spot and tried to convince the accused persons not to do so, but the present applicant

alongwith other co-accused persons with intention to kill the police party, committed *marpit* with them, burned the Government and private vehicles of the policemen. The present applicant alongwith other co-accused persons caused hindrance in the discharge of official duties by the police party.

- 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 link with alleged offence, the present applicant was informed by the villagers that his name is also mentioned in the FIR, because of this, he went to the police station and thus he was arrested by the police. It is further submitted that charge-sheet has already been filed, co-accused persons have already been granted bail by the co-ordinate Bench of this Court vide order dated **17.05.2017** in **MCRC Nos. 2049, 2579, 2676, 2693 & 3109** of **2017** and by this Court vide order dated **21.05.2021** in **MCRC Nos. 1744, 1867 & 2214** of **2021**, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant is in jail since 10.03.2021 and due to Covid-19 pandemic trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail on the ground of parity.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, charge-sheet has already been filed, the fact that co-accused persons in this case have already been granted regular bail by the Co-ordinate Bench of this Court and by this Court, the detention period of the applicant, who is 43 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 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.50,000/- with two sureties of Rs. 25,000/- 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