

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4024 of 2021

1. Pradip Sagar S/o Sahettar Ram Sagar, Aged About 40 Years, R/o Motisagar Para, Korba, District Korba (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through P.S. Kotwali, Korba, District Korba (C.G.).

---- Respondent

For Applicant : Ms. Madhunisha Singh, Advocate.
For Respondent/State : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

26/07/2021

- 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 The First Bail Application i.e. MCRC No. 8933/2021 was dismissed as withdrawn on 27/01/2021.
- 3) The applicant is arrested on 10/07/2020 in connection with Crime No. 599/2020 registered at Police Station Kotwali, Korba, District Korba (C.G.) for the offence under Section 306 of Indian Penal Code.
- 4) As per the prosecution case, in the past on the report of the applicant regarding assault being made on him by the deceased Vinay Sharma and his companion, deceased Vinay Sharma was arrested by the Police. Allegation against the applicant is that after release of the deceased from the jail, the applicant used to threatened him of his false implication under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and

sending him to jail, and the deceased being fed up with this harassment and torture committed suicide on 04/12/2019 by setting himself ablaze after pouring petrol on his body.

- 5) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant has been arrested on 10/07/2020, charge sheet has been filed and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail application.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of allegation made against the present applicant, the detention period of the applicant who is 40 years old, charge sheet has already been filed, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, there is no substantial progress in the trial and conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. 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/- 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 from disclosing such fact to the Court,
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
 - 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 Govt./State Govt./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

Chandrakant