

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4286 of 2021

1. Suraj Yadu, S/o Mahesh Yadu, Aged About 26 Years, R/o Village Pandadah, Police Station and Tahsil Khairagarh, District- Rajnandgaon, Chhattisgarh.
2. Ahfaz Baig, D/o Gulam Baig, Aged About 25 Years, R/o Ward No. 6 Barethpara, Khairagarh, Tehsil Khairagarh, District- Rajnandgaon, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through- The Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh. **---- Non-Applicant**

For Applicants	: Shri S.S. Baghel, Advocate
For Non-Applicant/State	: Shri Anand Verma, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29.06.2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail, in connection with Crime No. 157/2021 registered at Police Station-Khairagarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 452, 294, 427, 506, 34 of IPC.
- 5) Case of the prosecution, in brief, is that in the night intervening 06.04.2021 at 09.00 hrs, when the complaint party, after having dinner, sleeping in the home, the present applicants alongwith co-accused Amir Baig came to the house of the complaint party, banging/knocking on their door, abused the complainant party

filthily, threatening them to life and fled away after not opening of the door.

- 6) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submit that the applicants are the young offenders, they have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, charge-sheet has already been filed and due to Covid-19 pandemic trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicants have no criminal antecedents.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the present applicants, charge-sheet has already been filed and the fact that the applicants have 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 pandemic conclusion of trial may take some time, the application is allowed.
- 9) It is directed that in the event each of the applicants 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, they shall be released on bail on the following conditions:-
 - (a) they 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,
 - (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) they shall appear before the trial Court on each and every date given to them by the said Court till

disposal of the trial,

- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim