

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4713 of 2021

- Praveen Kumar Yadav, S/o Shyamlal Yadav, Aged About 28 Years, R/o Village Budar (Dhodhapara), Police Station Patna Tahsil Baikunthpur, District- Koriya, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer Patna, District- Koriya, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Syed Majid Ali, Advocate

For Non-Applicant/State : Shri Priyanshu Gupta, P. L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03.08.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 07.06.2021 in connection with Crime No.126/2021 registered at Police Station- Patna, District- Koriya (C.G.) for the offence punishable under Section 294, 506, 323 & 326 of IPC.
- 2) Case of the prosecution in brief, is that the complainant was informed that his step brother was not allowing to do tillage operation in the agricultural field thereafter, the complainant went to the agricultural field and the applicant assaulted the complainant with axe (*tangi*) and fled away after intervention of the other people.
- 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, there is

no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 07.06.2021 and 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, the nature of allegation made against the present applicant, the nature of injuries sustained by the complainant, the fact that the father of the applicant had already been lodged report against the complainant/step-son before police station- Patna on 04.10.2020 regarding land dispute, the present applicant also lodged report against the complainant/step-brother regarding land dispute on 17.05.2021 (annexure A/2), charge-sheet has already been filed, the detention period of the applicant, who is 28 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. 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