

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4791 of 2021**

- Gopichand Suryawanshi, S/o Bhagwat Prasad Suryawanshi, aged about 22 Years, R/o Ghuru, Police Station Sakri, District- Bilaspur, Chhattisgarh.

----Applicant

**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Sakri, District- Bilaspur, Chhattisgarh.

----Non-applicant

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| For Applicant | Dr. Nirmal Shukla, Senior Advocate with Mr. Arjit Tiwari, Advocate. |
| For State     | Ms. Deepti Shukla, Panel Lawyer.                                    |

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**29/07/2021**

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.132/2021 registered at Police Station Sakri, District Bilaspur, C.G. for the offence punishable under Section 115 read with 34 of Indian Penal Code.
3. Allegation against the present applicant is that he along with co-accused Jyoti Dhakar sent photograph of complainant- Vikash Suryavanshi, his bike as well as photograph of cheque of Rs.1 lakh through whatsapp to the friend of the complainant namely Sheikh Shakir for committing murder of the complainant. Sheikh

Shakir informed about the same to the complainant on which a report was lodged on 05.04.2021 by the complainant, based on which the aforesaid offence has been registered against the applicant along with co-accused.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that applicant was arrested by the police only on the basis of suspicion, he is languishing in jail since 26.05.2021, conclusion of trial is likely to take some time that co-accused person namely- Jyoti Dhakar in this case has already been granted regular bail by this Court vide order dated 20.07.2021 in MCRC No.3439 of 2021 and, therefore, the applicant be released on bail on the ground of parity.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, charge sheet has already been filed, the detention period of the applicant, who is 22 years old, the fact that the co-accused person in this case has already been granted regular bail by this Court, the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of

Rs.2,00,000/- with two sureties of Rs.1,00,000/- each 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, 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

Akhilesh