

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceeding through Video Conferencing)

M.Cr.C. No. 4996 of 2021

- Jaiprakash Yadav S/o- Shri Dharmraj Yadav, Aged about 46 years, R/o Banjari Nagar, Ward No. 9, Rawabhata, P.S. Khamtarai, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station: Khamtarai, District Raipur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Sangharsh Pandey, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

04.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 22.06.2021 in connection with Crime No. 175/2021 registered in Police Station- Khamtarai, District Raipur (CG) for the offence punishable under Sections 284, 323, 356, 379, 506, 326 read with Section 34 of IPC.
2. Prosecution case in brief is that complainant Wasim Khan and his brother Nasir Khan were returning from Simga by vehicle Tata Zest Car bearing registration No. CG 04 LM 9288, Nasir Khan was having Rs.40,000/- with him. When the complainant stopped the vehicle for doing urine, the applicant came alongwith co-accused Virendra Pandey in Tata Safari Car, started abusing them, threatened to kill them and beaten them by means of rod and stick. Due to such beating Nasir Khan received injuries on his head & leg and the complainant also received injury on his arm of right hand. At the time incident, Nasir Khan had kept Rs.40,000/- in his pocket which was taken by the applicant and co-accused.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that the false allegation of committing theft of Rs.40,000/- has been leveled against the applicant. He also submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 22.06.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has no criminal antecedents.
5. I have heard learned counsel for the parties.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering nature of dispute arose between the parties regarding loan amount borrowed by wife of the applicant for truck and the incident happened, the injuries sustained by the complainant and his brother were not on the vital part of their bodies, the detention period of the applicant who is 46 years old, 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 due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
7. 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 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/her 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.

8. 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 nature of offence.

Sd/-

(Gautam Chourdiya)
Judge

vatti