

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5137 of 2021

- Ramkumar @ Sonu Yadav son of late Manishankar, aged about 27 years, resident of Yadav Nagar, Tifra, Ward No. 5, Police Station- Sirgitti, District- Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station- Sirgitti, District- Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Umakant Singh Chandel, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

02.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 17.03.2021 in connection with Crime No. 388/2020 registered in Police Station- Sirgitti, District – Bilaspur (CG), for the offence punishable under Sections 294, 506, 323, 307, 34 of IPC.
2. Prosecution case in brief is that on 20.08.2020, injured/complainant Satyanand was sitting alongwith his friends at Bazar Chowk, Tifra, where the present applicant alongwith other co-accused namely Jitu Sharma & Sunil @ Newla came in car and abused the complainant filthily and assaulted the complainant by the applicant and other co-accused by hands, fist and club.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the main accused namely Sunil @ Newla Verma assaulted the injured/complainant by means of club as a result of which complainant sustained injury on his head. He further submits that co-accused Sunil @ Newla has already been granted bail by the trial Court, copy of bail order has been filed in the present bail application with covering memo dated 24.08.2021. The only allegation against the present applicant is that he assaulted the complainant by hands

and fists. He also submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 17.03.2021 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 Non-Applicant/State opposes the bail application.
5. Having regard to the facts and circumstances of the case, the fact that complainant Satyanand sustained injury, admitted in hospital and has been discharged from hospital with no any serious complication, only allegation against the present applicant is that he assaulted the complainant by hands and fists, the detention period of the applicant who is 27 years old, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsels, further considering that main accused Sunil @ Newla, Verma, who assaulted the complainant by means of club on his head, has already been granted regular bail by the trial Court, without expressing any opinion on merits of the case, the bail application is allowed.
6. 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.
7. 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