

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5282 of 2021

- Kundan Sahu, S/o Shri Rekhraj Sahu, Aged About 27 Years, R/o Village - Khallari, Thana - Khallari, Tahsil- Bagbahra, District- Mahasamund, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station - Khallari, Civil and Revenue District – Mahasamund, Chhattisgarh. **---- Non-Applicant**

For Applicant : Mr. Sunil Sahu, Advocate

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

22.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 06.07.2021 in connection with Crime No.99/2021, registered at Police Station- Khallari, District- Mahasamund (C.G.) for the offence punishable under Section 306 of IPC.
- 2) Case of the prosecution in brief is that on 03.07.2021 the complainant Shivkumar Yadav who is elder brother of the deceased lodged report in the police station Khallari to the effect that his younger brother Tikeshwar Yadav/deceased committed suicide at around 12.45 pm behind his home at Mashan Dabri. During investigation it was revealed that the deceased had taken the motorcycle of the applicant where Rs. 30,000/- was kept in the Dicky. For this reason the applicant used to threaten him of filing complaint against him in police station, as a result of which

the deceased got depressed and committed suicide by hanging.

- 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 was working under Rojgar Guarantee Yojna as Met and the deceased alongwith his family members were working under the said scheme and since payments were not being given by the Janpad Panchayat the deceased took the applicant's motorcycle & Rs.30,000/- cash kept in Dicky, for this the applicant had only told the deceased that I will report this matter in police station, thereafter, the deceased committed suicide. The applicant did not abet the deceased to commit suicide. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 06.07.2021 and due to COVID-19 trial is likely to take some time for 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 heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of allegation made against the present applicant, the detention period of the applicant, who is 27 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 counsel and due to COVID-19 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. 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 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