

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 5363 of 2021**

- Yogendra Kumar Sahu @ Paras Sahu @ Lali Sahu, S/o Late Mahesh Ram Sahu, aged about 32 Years, Resident of Village Guma, Police Station Suhela, District Baloda Bazar Bhatapara, Chhattisgarh. Present Address - R/o Banjari Nagar, Near Masjid (Wrongly Mentioned Masjid), Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh.

---Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh.

---Non-applicant

For Applicant	Shri C.R. Sahu, Advocate.
For State	Shri Chintendra Singh, Penal Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

27/08/2021

1. Earlier the applicant had filed MCRC No.66 of 2021 which was dismissed by this Court as withdrawn vide order dated 09.02.2021.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.570/2020 registered at Police Station – Khamtarai, District Raipur, C.G. for the offence punishable under Section 307 of Indian Penal Code.
3. Allegation against the present applicant is that on 19.11.2020

during some hot talk between the father of the complainant- Haldar Sahu and himself which resulted in scuffle between the two, the applicant having taken petrol from his motorcycle poured the same on Haldar Sahu and with intent to commit his murder set him afire. As a result thereof, the victim suffered burn injuries over face, chest, abdomen and both the hands.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the ingredients necessary for making out a case under Section 307 of IPC are missing in this case. The injured remained in hospital for 13 days only and no other complication was found by the Doctors. The applicant is in jail since 21.11.2020, charge sheet has already been filed and due to COVID-19 pandemic conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
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 giving rise to the incident, the nature of injury allegedly caused by the applicant, the fact that the injured remained hospitalized only for 13 days and no other complication was found by the doctors, the detention period of the applicant, who is 32 years old, charge sheet has been filed, the applicant has no criminal antecedents

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, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, 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 not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge