

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5940 of 2021

- Krishna Sahu S/o Late Virendra Sahu aged about 29 years, R/o Village Amanala Haldibadi P.S. Chirmiri, District Koriya (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Chirmiri, District Koriya (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Shakti Raj Sinha, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 05.05.2021 in connection with Crime No. 302/2020 registered in Police Station- Chirmiri, District Koriya (C.G.), for the offence punishable under Sections 306, 506 read with Section 34 of IPC.
2. Prosecution case in brief is that on 22.07.2020 deceased Vikram Lal @ Vicky borrowed Rs.55,000/- from the present applicant after keeping gold and silver ornaments belonging to his wife, his scooty and one mobile phone as security. Some money was also borrowed by the deceased from other accused namely Naved and Ravi Thapa to the tune of Rs.11,000/-. Because of the money borrowed from various persons in the market by the deceased, he was very much disturbed. Thereafter, dead body of the deceased was found hanging near a railway track on 30.07.2020. During investigation, a suicidal note was found in which names of the present applicant and other accused persons were mentioned stating that deceased was harassed by accused persons for returning the money borrowed by him. It is alleged that

the present applicant abetted commission of suicide by the deceased.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that father and brother of the deceased have been examined who have turned hostile and have not supported the prosecution case. He further submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 05.05.2021, charge-sheet has already been filed 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. He also submits that co-accused namely Sonu Sahu and Ravi Thapa @ Birendra Pratap Singh have already been granted bail by the coordinate bench of this Court vide common order dated 03.09.2021 passed in M.Cr.C. 5957 of 2021 and M.Cr.C. No. 4987 of 2021.
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, considering the detention period of the applicant who is 29 years old, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of trial may take some time, and further that the co-accused persons have already been granted bail by the coordinate bench of this Court, without commenting anything 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