

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6098 of 2021

1. Jhangalu @ Jani S/o Faguram Maravi, Aged About 32 Years, R/o Baheramuda, Chowki Belgahna, Police Station Kota, District Bilaspur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Kota, District Bilaspur (C.G.).

---- Non-Applicant

For Applicant	: Mr. G.V.K. Rao, Advocate.
For Non-Applicant/State	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

14/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 11/05/2020 in connection with Crime No. 202/2020 registered at Police Station Kota, District Bilaspur (C.G.) for the offence punishable under Sections 302/34 & 120-B of Indian Penal Code.
- 2) As per the case of prosecution, in the night of 10.05.2020, when deceased Raju Baiga was sleeping in his house along with his wife and child, some person entered into the house and committed murder of Raju Baiga. The incident was reported, based upon which, F.I.R. was registered against unknown person. During the course of investigation, Suryaprakash @ Annu Dhurve, Chandan Singh Baiga, Jhool Bai Baig, Kailash and present applicant have been arrayed as accused persons in the instant crime and were arrested.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He submits that co-accused Satyaprakash @ Annu Dhurve (in MCRC No. 6664/2020), Chandan Singh Baiga (in MCRC No. 7759/2020), Smt. Jhool Bai Baiga (In MCRC No. 8029/2020) and Kailash (In MCRC No. 1400/2021) have already been granted regular bail by co-ordinate Bench of this Court vide orders dated 17/12/2020, 03/02/2021 & 06/07/2021 respectively. He further submits that there is no apprehension of the applicant tampering with the evidence or absconding. He lastly submits that charge sheet has been filed, the applicant is in jail since 11/05/2020 and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail on ground of parity.

- 4) On the other hand, learned counsel for the State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that there is no specific allegation regarding strangulation of the deceased by the present applicant, in particular the fact that **four co-accused** have already been released on bail by the Co-ordinate Bench of this Court, the applicant who is 32 years old is in jail since 11/05/2020, charge sheet has already been filed, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 50,000/-** with one surety of Rs. 50,000/- 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,
- 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 Govt./State Govt./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**

Chandrakant