

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6140 of 2021**

- Ganesh Rajput @ Tej Singh S/o. Shri Niranjan Rajput, aged about 21 years, R/o. Dhoubi Chowk Nayapara Dhamtari, Thana – City Kotwali Dhamtari, District - Dhamtari (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through, Station House Officer, Police Station – City Kotwali Dhamtari, District Dhamtari (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Sunil Sahu, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

And**M.Cr.C. No. 6305 of 2021**

- Krishna Nayak @ Bittu S/o Nahar Singh Nayak, aged about 21 years, R/o Hatkeshwar Ward Dhamtari, District Dhamtari (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police of Police Station- City Kotwali, Dhamtari, District Dhamtari (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Anil Gulati, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****27.09.2021**

1. As above both the second bail applications under Section 439 of Cr.P.C. preferred by the respective applicants arise out of the same crime number i.e. 184/2019 registered in Police Station- City Kotwali Dhamtari, District Dhamtari (CG) for the offence punishable under Sections 302, 120-B read with Section 34 of IPC and Sections 25 & 27 of Arms Act, they are being disposed of by this common order.
2. The first bail applications of the respective applicants were dismissed as withdrawn with liberty to file a fresh application before the trial Court by this

Court vide common order dated 23.07.2021 passed in M.Cr.C. No. 3336/2021 & M.Cr.C. No. 5275/2021.

3. Prosecution case in brief is that on 30.04.2019 complainant Kunti Yadav lodged a written report alleging that on 29.04.2019 at about 12 'O' Clock some unknown person called her son through mobile phone and at about 06:00 am on the next day she woke up and saw that her son was not present in her house. At about 07:30 am Ravi Devdas informed her that her son Durgesh Yadav was lying dead in the Mission Ground and there were injuries over his body. Hence, on report being lodged to the above effect, the aforesaid offences have been registered against the present applicants and other co-accused persons.
4. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime. the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are languishing in jail since 01.05.2019 and 03.05.2019, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, applicants be released on bail. They also submit that the co-accused persons namely Yogesh Sahu @ Gullu, Durgesh Rajak @ Mithun, Omkar Rajak @ Ravi and Mukesh Dhruv @ Chiku have already been granted regular bail by the coordinate bench of this Court vide orders dated 21.06.2021 & 30.06.2021 passed in M.Cr.C. No.2980/2021 & 3943/2021.
5. On the other hand, learned counsel for the State opposes the bail applications and submits that applicants have no criminal antecedents.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, quality of evidence, in particular the fact that co-accused persons have already been granted regular bail by the co-ordinate bench of this Court, the sole eyewitness was examined before the trial Court and he has not supported the prosecution case, the detention period of the

present applicants who are 21 years old, charge-sheet has already been filed and conclusion of the trial is likely to take some time and the fact that the applicants have no criminal antecedents, there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties, without expressing any opinion on merits of the case, the applications are allowed.

7. It is directed that in the event of each of the applicants 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, they shall be released on bail, on following conditions :-

- i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. they shall not involve themselves in any offence of similar nature in future.

8. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

9. In the result, M.Cr.C. No. 6140/2021 & M.Cr.C. No. 6305/2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge