

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6469 of 2021**

1. Bhagwan Yadav @ Badka Yadav, S/o Baleshwar Yadav, aged about 27 Years,
2. Suraj Korwa, S/o Late Nanhu, aged about 22 Years,

Both are R/o Near Pani Tanki, Balgi, Police Station- Banki Mongara,
Tahsil- Katghora, District- Korba, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, Through- the Station House Officer, Police Station- Katghora, District- Korba, Chhattisgarh.

----Non-applicant

For Applicants
For State

Shri Vijay Kumar Sahu, Advocate.
Shri Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

26/10/2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.175/2021 registered at Police Station- Katghora, District Korba, C.G. for the offence punishable under Sections 394, 427, 294, 506, 34 of Indian Penal Code.
2. Allegation against the applicants on 20.07.2021 they assaulted the complainant Rajesh Kumar Jaiswal with baseball stick on his head and left leg, looted Rs.35,000/- from him, threatened him of life and damaged his car also. On report being lodged to the above effect, the offence under the aforesaid Sections have been registered against the applicants.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that there is no direct proof of applicants' involvement in the alleged crime. Applicants are in jail since 21.07.2021 and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation made against the applicants, the detention period of the applicants, who are 27 & 22 years old, the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and 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 to release the applicants on bail. Accordingly, the bail application is allowed. 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 the 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 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.

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 offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh