

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6854 of 2021**

- Nikhil Alias Billu Yadav, S/o Nand Kumar Yadav, Aged About 22 Years, R/o Rajiv Nagar, Ward No. 02, P. S. Durg, District- Durg, Chhattisgarh. **---- Applicant**

**Versus**

- State of Chhattisgarh, Through- P. S. Durg, District- Durg, Chhattisgarh. **---- Non-Applicant**

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For Applicant : Shri P. R. Patankar, Advocate

For Non-Applicant/State : Shri Rahim Ubwani, Panel Lawyer

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**28.10.2021**

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 03.08.2021 in connection with Crime No. 686/2021 registered at Police Station-Durg, District- Durg (C.G.) for the offence punishable under Sections 294, 506, 323, 324, 325, 327 & 34 of IPC.
- 2) Allegation against the applicant is that on 02.08.2021 the complainant was admitted in District Hospital Durg, police was called by the hospital administration. Police party reached hospital and wrote complaint of the complainant to the effect that when he returned from his work, he went towards Bhakla pond with his friends, after sometime their friends returned to their home and the complainant went towards Muktidhan Garden where the present applicant alongwith other co-accused persons were already present, they started abusing the complainant filthily and demanded money for drinking liquor and

started beating him with hands, fists, rod, club & bolder as a result of which the complainant sustained injuries on various parts of his body.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the co-accused persons have already been granted bail by the co-ordinate Bench of this Court vide order dated 26.10.2021 in MCRC No. 7069 of 2021. Charge-sheet has already been filed. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 03.08.2021 and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 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, the nature of allegation made against the present applicant, nature of injuries sustained by the complainant/victim, co-accused persons have already been granted bail by the co-ordinate Bench of this Court, the detention period of the applicant, who is 22 years old, charge-sheet has already been filed, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution 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, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- 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 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.

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**

Nadim