

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7087 of 2021

1. Rajesh Yadav S/o Shivpujan Yadav aged about 30 years,
2. Sanjay Yadav S/o Ramtahal Yadav, aged about 31 years,

Both are R/o Village Khatwabardar, P.S. Pasta, District Balrampur-
Ramanujganj Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through the Police Station- Pasta, District – Balrampur
Ramanujganj (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Vikas Kumar Pandey, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

21.09.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 27.07.2021 in connection with Crime No. 79/2021 registered in Police Station- Pasta, District Balrampur-Ramanujganj (C.G.), for the offence punishable under Sections 420, 467, 468, 471 of IPC.
2. As per the prosecution case, 16.01.2021 offence under Section 376 of IPC was registered against Ramnath Yadav, Shivprakash Yadav Banarsilal Sahu and they were absconding. It is alleged that in order to obtain anticipatory bail for the aforesaid accused persons, applicants – Sanjay Yadav, Rajesh Yadav and co-accused Vishal Sahu prepared forged seal of the complainant Sarita Nagesia as also the forged signatures of the complainant and the villagers, including the Panch and submitted an application for anticipatory bail before the High Court at Bilaspur for grant of bail to the aforesaid accused person.
3. Learned counsel for the applicants submits that the 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 27.07.2021 and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail. He also submits that co-accused Vishal Sahu has already been granted bail by this Court vide order dated 10.09.2021 passed in M.Cr.C. No. 5603 of 2021.

4. On the other hand, learned counsel for the Non-Applicant/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 30 & 31 years old, till now charge-sheet has not been filed, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to Covid-19 pandemic, conclusion of trial may take some time, further that the co-accused has already been granted regular bail by this Court, without commenting anything on merits of the case, the bail application is allowed.
7. It is directed that in the event of each of the applicants 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, 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.

Sd/-
(Gautam Chourdiya)
Judge

vatti