

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7383 of 2021**

1. Nagendra Yadav S/o Dayashankar Yadav Aged About 21 Years R/o Village - Nilkanthpur, P.S. - Ramchandrapur, District - Balrampur-Ramanujganj (Chhattisgarh).
2. Dayashankar Yadav S/o Balroop Yadav Aged About 38 Years R/o Village - Nilkanthpur, P.S. - Ramchandrapur, District - Balrampur-Ramanujganj (Chhattisgarh)

---- Applicants**Versus**

- State Of Chhattisgarh Through Sho - Police Station - Ramchandrapur, District - Balrampur-Ramanujganj (Chhattisgarh).

---- Non Applicant

For Applicants : Shri A. K. Prasad, Advocate

For Non Applicant : Smt. Smita Jha, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas**Order On Board****25.10.2021**

1. Learned counsel for the applicants would submit that he wants to withdraw the bail application filed on behalf of applicant No.2 Dayashankar Yadav with liberty to file the same at appropriate stage.
2. Accordingly, the bail application filed on behalf of applicant No.2 is dismissed as withdrawn with aforesaid liberty.
3. The applicant No.1 has preferred the first bail application under Section 439 of CrPC for grant of regular bail as he is in jail since 29.07.2021 in connection with Crime No.39/2021 registered at Police Station- Ramchandrapur, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 506(II), 323, 324, 307 read with Section 34 of IPC.
4. The case of prosecution in brief, is that, the complainant Naresh Yadav has lodged FIR on 14.07.2021 in police station against applicants alleging that when he was ploughing his field at about 6.00AM, at the same time, applicants along with other co-accused persons came there, threatened and assaulted him and his parents by lathis, thereby they committed the aforesaid offence.

5. Learned counsel for the applicant No.1 would submit that the applicant No.1 has been falsely implicated in this case and he has not committed any offence. He would further submit that the medical report shows that no serious injury has been found on the body of the complainant, applicant is in jail since 29.07.2021, the charge sheet has been filed and conclusion of the trial likely to take some time, therefore, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, nature of injuries sustained by the complainant and the fact that applicant is in jail since 29.07.2021, there is no likelihood of the applicant tampering with evidence or absconding and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to applicant.
9. Accordingly, the bail application filed by applicant No.1 is allowed and it is directed that the applicant No. 1 Nagendra Yadav shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/-each for the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial Court, till disposal of the trial.
10. It is made clear that applicant No.1 shall not involve himself in any offence of similar nature in future, otherwise bail granted to him shall be liable to be cancelled without further reference to the bench.
11. Certified copy as per rules.

Sd/-

(Narendra Kumar Vyas)
Judge