

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7985 of 2021

- Uttam Yadav @ Uttam Kumar Yadav @ Bhola, S/o Bhujbal Yadav, Aged About 32 Years, R/o Village Bagdabari, Police Station Baloda, District- Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Kusmunda, District- Korba, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. V. K. Sahu, Advocate
Ms. Seema Dixit, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

28/10/2021

1. The applicant has preferred this first bail application under Section 439 of CrPC for grant of bail, as he is arrested in connection with Crime No.33/2021, registered at Police Station Kusmunda, District Korba for the offence punishable under Section 41 (1-4) of CrPC and Section 379 of IPC.
2. The case of the prosecution in brief is that on 21.09.2021, the Police of Police Station Kusmunda received the information and on the basis of the said information, the Police stopped the vehicle of the applicant and recovered total 280 lites of diesel from the possession of the applicant and other co-accused persons, thereby he committed the said offence.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the crime in question. He further submits that there is no likelihood of the applicant in tampering with the evidence or his absconding. The applicant is in jail since 21.09.2021 and the trial is likely to take some time, therefore, the applicant may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the offence is triable by the JMFC, applicant is in jail since 21.09.2021 and the trial is likely to take some more time, this Court finds fit to release the applicant on regular bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of ₹ 10,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, subject to following conditions:
 - (I) The applicant shall furnish coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court, which shall be verified from its original by the trial Court, at the time of bail.

(II) The applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the same nature, otherwise bail granted to him shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/ applicant 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 facts to the Court or to any police officer.

(IV) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge

Nirala