

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7905 of 2021

- Shyamu @ Chhotu Nishad, S/o Late Sukalu Nishad, Aged About 26 Years, Resident of Village Mohara, Ward No.47, School Para, Police Station Basantpur, Rajnandgaon, Tahsil and District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Basantpur, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Goutam Khetrapal, Advocate
Mr. Devesh Verma, GA

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

27/10/2021

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.480/2020, registered at Police Station Basantpur, District Rajnandgaon for the offence punishable under Sections 120-B, 364, 302, 201 read with Section 34 of IPC.
2. The case of the prosecution in brief is that the applicant along with the co-accused persons hatched a conspiracy to commit murder of the deceased Tikeshwar and in execution thereof co-accused Ram Narayan called the deceased at Atal Awas of village Mohara where all the accused persons including the deceased consumed liquor and after some time an altercation

took place between accused Ram Narayan and the deceased. At this point of time Ram Narayan started assaulting the deceased by means of wheel spanner (pana) and seeing this Chandan and present applicant ran away from the place of occurrence. The dead-body was thrown in Shivnath river on 12.12.2020.

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 the applicant was not involved in the alleged commission of offence and the actual role was played by the co-accused Ramnarayan, who assaulted the deceased. The co-accused Ajay @ Chandan and Shiv Kumar @ Shiva Nishad have already been granted bail by the Coordinate Bench of this Court on 07.07.2021 in MCRC No.2739/2021 and on 06.09.2021 in MCRC No.5894/2021, respectively. The applicant is in jail since 21.12.2020, therefore, he may be enlarged 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, considering the fact that no incriminating article has been seized from the applicant, co-accused have already been granted bail by the Coordinate Bench, applicant is in jail since 21.12.2020, charge sheet has been filed, this Court is of the opinion that the present is a fit case

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 ₹ 50,000/- with one surety 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 a 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 the 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