

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8989 of 2020

1. Tulsiram Yadav S/o- Late Ramjiyavan Aged About 35 Years R/o Badgaonkhurd, P.S.- Kotadol, Dist- Koriya (Chhattisgarh).
2. Anjani Yadav S/o- Late- Ramjiyavan Aged About 25 Years R/o Badgaonkhurd, P.S.- Kotadol, Dist- Koriya (Chhattisgarh).
3. Ajay Yadav S/o- Late Ramjiyavan Aged About 22 Years R/o Badgaonkhurd, P.S.- Kotadol, Dist- Koriya (Chhattisgarh).
4. Premasagar Yadav S/o- Late Ramjiyavan Aged About 20 Years R/o Badgaonkhurd, P.S.- Kotadol, Dist- Koriya (Chhattisgarh).
5. Dhanrajiya Bai W/o- Late Ramjiyavan Aged About 50 Years R/o Badgaonkhurd, P.S.- Kotadol, Dist- Koriya (Chhattisgarh).

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, P.S.- Kotadol, District- Koriya (Chhattisgarh). **---- Respondent**

For Applicants	: Shri Akhtar Hussain, Advocate
For Respondent/State	: Smt Smriti Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12.01.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 05.08.2020 in connection with Crime No.16/2019, at Police Station Kotadol, District- Koriya (C.G.) for the offence punishable under Section 302, 201, 120-B, 34 of Indian Penal Code.
2. The allegation against the applicants are that between night of 16 to 17.06.2019 accused Tulsiram Yadav, Anjani Kumar Yadav,

and Premsagar Yadav altogether assaulted by hands and fists and strangled the deceased to death over tractor dispute and doubt of illicit relation of the deceased with one Basanti Yadav.

3. Learned counsel for the applicants submits that the allegations against the applicants are false and fabricated, applicants are falsely implicated in the case. He submits that statement of the eye witnesses in this case as well as statements under Section 161,164 of Cr.P.C. of the witnesses have been recorded by the police after more than one year of the incident and FIR lodged against the unknown persons. He submits that the applicants/accused have no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail. Learned State counsel further submits that the applicants have no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, detention period of the applicants, FIR lodged after 3 days of the incident, statements under Sections 161 and 164 of the Cr.P.C. including the statements of the eye witnesses were recorded after more than one year of the incident and the fact that the applicants have no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-
 - (a) 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 them from disclosing such fact to the Court.

- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) they shall not involve themselves in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim