

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9218 of 2020**

- Nohar Yadav S/o Patiram Yadav Aged About 36 Years R/o Village Gauripur, Police Station And Tehsil Premnagar , District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Police Station Premnagar, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh ---- **Non-applicant**

For Applicant	:	Mr. H.A.P.S. Bhatia, Advocate.
For State	:	Mr. Amit Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****28-01-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 23-11-2020 in connection with Crime No. 105 of 2020 registered at Police Station Premnagar, District Surajpur (CG) for the offence punishable under Sections 294,323 and 354 of IPC.
2. The case of the prosecution, in brief, is that on 22-11-2020 victim along her brothers and sisters went to wander by car and when the petrol was over in their car, they were standing nearby road, at that time, present applicant came by bike in a drunken position and parked his bike in front of their car. When the victim told him to remove his bike, then applicant abused, and assaulted and also threatened to dire consequences, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that except the present case, no other case is pending against the present applicant. the charge-sheet has been filed, present applicant is in jail since 23-11-2020, conclusion of the trial is likely to take some time for its final disposal, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant, and further considering the fact that charge-sheet has been filed and there is no likelihood of the applicant tampering with the evidence or absconding and the applicant has no criminal antecedents as admitted by both the parties 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 the applicant.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his 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. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being

granted bail on the following conditions:

- i. he 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 from disclosing such fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju