

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8606 of 2021

- Yogesh Kumar Sahu, S/o Gulap Ram Sahu, Aged About 21 Years, R/o Village Parswani, Tahsil and Police Station Kurud, District- Dhamtari, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Kurud, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjeev Kumar Sahu, Advocate
For Respondent/State	: Smt. Binu Sharma, P. L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16.12.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 23.09.2021 in connection with Crime No. 345 of 2021, registered at Police Station- Kurud, District- Dhamtari (C.G.) for the offence punishable under Section 307 of IPC.
- 2) Allegation against the applicant is that on 23.09.2021 when the complainant Rekhram Sahu was coming back from his agriculture field, he saw that the present applicant Yogesh Kumar Sahu was quarrelling with his son Laxminarayan Sahu near Bheshaj General Store and the applicant assaulted the victim Laxminarayan Sahu on his left chest, left side waist, as a result of which the victim sustained stab injuries. When the complainant with his wife intervened, he was also assaulted by him and he received injuries on wrist. On report being lodged to the above effect the aforesaid offence has been lodged against the applicant.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has no criminal antecedents, he is the first offender. The victim was discharged from the hospital within two days without any complication, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 23.09.2021 and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of injuries sustained by the victim, the fact that victim was discharged from hospital within two days without any complication, the detention period of the applicant, who is 21 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of **Rs. 1,00,000/-** with two sureties of **Rs. 50,000/-** each to the satisfaction of the concerned trial Court, he shall be released on bail, on 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim