

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 122 of 2021**

- Santosh Yadav S/o Late Goverddhan Yadav Aged About 48 Years R/o Bharatnagar Jhanda Chowk Near Verma Kirana Stores, Gudiyaari, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh ---- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Gudiyaari,, District : Raipur, Chhattisgarh ---- **Non-applicant**

For Applicant : Mr. D. Kushwaha, Advocate.

For State : Dr (Ms) Veena Nair, Dy. Adv. General

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****10-02-2021**

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 1-3-2020 in connection with Crime No. 44 of 2020 registered at Police Station Gudiyaari, District Raipur (CG) for the offence punishable under Sections 294 & 307 of IPC.
2. The case of the prosecution, in brief, is that on 1-3-2020 at about 12.00 O'clock there was a dispute between the applicant and complainant regarding giving a cow, wherein the applicant abused the complainant and assaulted him by knife, as a result of which he sustained injury, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, the injury sustained by the victim is simple in nature and the victim was discharged from hospital within a week. He would further submit that investigation has been completed, charge sheet has been filed, he is in jail since 1-3-2020, and conclusion of the trial is likely to take some time, 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 injury sustained by the victim, the fact that the applicant was in custody since 1-3-2020, till date trial is not completed due to Covid-19, the victim was discharged from hospital within a week, charge-sheet has been filed and there is no likelihood of the applicant tampering with evidence of absconding 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,
- 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, and
- iv. He shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this court.

Sd/-

(Gautam Chourdiya)
Judge

Raju