

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9152 of 2021

1. Satish Yadav S/o Late Khyali Yadav, Aged About 24 Years R/o Village Sabaag, Police Station Samripath, District Balrampur - Ramanujganj Chhattisgarh
2. Dinesh Yadav S/o Laxman Yadav, Aged About 21 Years R/o Village Nawadih Sabaag, Police Station - Samripath, District Balrampur - Ramanujganj Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through - Police Station - Chando, District Balrampur - Ramanujganj Chhattisgarh

---- Respondent

For Applicant : Shri Amarnath Pandey, Advocate

For Respondent – State : Shri Wasim Miyan, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

17.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.02/2019, registered at Police Station – Chando, District – Balrampur, Ramanujganj (CG) for the offence punishable under Sections 294, 506, 323, 395 and 435 of the IPC, Section 8(1)(3)(5) of the Public Security Act, 2005 and Section 25,27 of the Arms Act.
2. As per the prosecution case, the complainant Ramsundar Agariya (PW-2) made a complaint on 25.01.2019 stating that the applicants along with other

co-accused person have poured kerosene oil on the Hiwa truck No. C.G.15 – AC – 3399 and set the truck and porcelain on fire.

3. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the present case. He further submits that the applicant No.1 has been arrested on 14.02.2019 and applicant No.2 arrested on 16.04.2019. It is next submitted that some of the prosecution witnesses have been examined before the trial Court and they have not supported the prosecution case and earlier also one case was registered against the applicants, in which they were acquitted in S.T. No.50/2019 by Second Additional Sessions Judge, Ramanujganj, District – Balrampur, Ramanujganj vide order dated 07.08.2021. He further argued that the applicants are in jail for a long time and trial is likely to take some time, therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering the statement of Sagar Singh (PW-1) and Ramsundar Agariya (PW-2) who have not supported the prosecution case in any manner, the period of detention and further that there is no likelihood of the applicants tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the Applicants executing a personal bond for a sum of Rs.25,000/- (to each) with two sureties in the like sum 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 him 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) the Applicants and the sureties shall submit a copy of their adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.
(e) they shall not involve themselves in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge

Yasmin