

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 541 of 2017

1. Afsar Ali, aged about 42 years, S/o. Late Shri Ali Bakhsh, R/o. Ward No.16, Haldibadi, Chirmiri, Tehsil Khadgawan, Police Station – Chirmiri, District – Koriya, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Chirmiri, District – Koriya, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. R.S. Marhas, Advocate
For Respondent/State	:	Mr. Avinash K. Mishra, Panel Lawyer
For Objector	:	Ms. Hamida Siddiqui, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/02/2017

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 applicant who has been arrested in connection with Crime No.437/2015, registered at Police Station – Chirmiri, District – Koriya (C.G.) for the offence punishable under Section 306, 120-B, 218, 201 r/w. Section 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that deceased Pinki @ Salma, daughter of Jahid committed suicide on 16.12.2015. She was an employee in the Grand News Channel (City Cable) Baikunthpur, District – Koria. The present applicant- Afsar Ali was stated to be the owner of said Grand News Channel, wherein the deceased was working. It is stated that the applicant has made assertion on the character of the deceased to be the mistress and assassinated her

character. Consequently, she committed suicide by hanging. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and before the incident, it is alleged that the applicant has said that the deceased was a bad character, which is completely false and the applicant has not abetted the crime. It is further submitted that other co-accused namely Ashish Gharami has been enlarged on bail by the Coordinate Bench of this Court vide order dated 16.05.2016 in M.Cr.C. No.1907/2016 and co-accused Sujeet Dutta has also been enlarged on bail by this Court following the order of the Coordinate Bench vide order dated 07.12.2016 in M.Cr.C. No.7720/2016 and the case of the applicant is similar to that of the co-accused, who have been enlarged on bail and no further investigation is necessary, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State as well as learned counsel for the objector opposes the bail application. However, the State counsel is not able to dispute the fact that similarly placed co-accused persons have been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and the statement of the witnesses. Considering the facts and circumstances of the case, charge-sheet in this case has been filed and no further investigation is necessary and taking into the nature of allegation levelled against the applicant and further considering the fact that similarly placed co-accused persons have been enlarged on bail by this Court, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Since there is apprehension is raised, the concerned Superintendent of Police of the area is directed to ensure that the witnesses are not threatened or pressurized so that fair trial is conducted in the aforesaid crime and if need be necessary periodical police protection may also be given to the witnesses.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge