

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4416 of 2020

- Mohd. Rashel, S/o. Mohd. Fakir Ali, Aged about 31 years, Resident of Village Balla, Post Raghunath Nagar, PS Jhikarkasa, District Jaisor, State Khulna (Bangladesh)

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Supela district Durg CG

---- Respondent

For Applicant	: Shri Sanjay Kumar Agrawal, Advocate
For Respondent /State	: Shri Rahul Jha, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

18/08/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 359/2020 registered at police station Supela, District Durg (CG) for the offence punishable under Sections 420,467,468,471 and 34 IPC and Section 14 of the Foreigners Act.

As per prosecution case, the applicant is a resident of Bangladesh and he was in India for a period exceeding the period for which the visa was issued to him.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that due to Covid -19, there was lock down and therefore he was not able to renew the same. He submits that the applicant is in jail since 15.06.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that on furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

- That, the applicant shall furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant 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/her from disclosing such facts to the Court or to any police officer.

- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
- That the accused/applicant shall not leave India without previous permission of the Court.

Sd/-

(Rajani Dubey)

Judge