

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6628 of 2020

1. Nasim Khan S/o Fakira Khan, Aged About 62 Years R/o Kandri, Police Station Chando, District Balrampur Ramanujganj Chhattisgarh.
2. Sakila Bibi, W/o Nasim Khan, Aged About 62 Years R/o Kandri, Police Station Chando, District Balrampur Ramanujganj Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chando, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

MCRC No. 8035 of 2020

- Kasim S/o Nasim Aged About 32 Years R/o Kandri, P. S. Chando, District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Chando, District Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicants	: Shri Hariom Rai, Ms. Aditi Singhvi, Advocates
For Respondent/State	: Shri Rakesh Sahu, Dy.G.A.
For Victim	: Shri Om Prakash Keshav, Advocate, DLSA, Balrampur Ramanujganj, through VC

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02/12/2020

- 1) The aforesaid two applications are being disposed of by this common order as they arise out of same crime number.
- 2) The applicants Kasim, Nasim and Sakila Bibi have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973. The applicants were arrested on 19.07.2020 in connection with Crime No.22/2020 registered at Police Station Chandi, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 498A, 307 r/w 34 of IPC.

- 3) The allegation against the applicants is that the applicant Kasim husband of the victim alongwith applicants Nasim and Sakila committed cruelty with the victim and in furtherance thereof, with intention to commit her murder on 17.07.2020 at 6 am having assaulted the victim with club and sticks and poured kerosene on her and set her on fire. Written report being lodged by the father of the victim, the aforesaid offence has been registered against the applicants.
- 4) Learned counsel for the applicants in MCRC No. 6628/2020 submits that the applicants Nasim and Sakila are innocent person and have been falsely implicated in this case. No FIR or complaint was lodged by the victim at earlier point of time against them regarding demand of dowry. The applicants namely Nasim and Sakila Bibi are aged about 62 years, they are in jail since 19.07.2020 and conclusion of the trial is likely to take some time, therefore, the applicants may be enlarged on bail.
- 5) Learned counsel for appearing in MCRC 8035/2020 submits that the applicant namely Kasim has been falsely implicated in this case. He further submits that applicant and the victim/wife are ready and willing to live together peacefully. He is in jail since 19.07.2020 and trial will take some time for conclusion, therefore, the applicant be released on bail.
- 6) On the other hand, learned State Counsel opposes the prayer for grant of bail.
- 7) The prosecutrix is connected through video conferencing from district Balrampur-Ramanujganj along with her counsel Shri Om Prakash Keshav of District Legal Services Authority, Balrampur-Ramanujganj. She submits that there is no objection if the applicants are released on bail as she is suffering from acute financial crisis. She also submits that she has executed an affidavit wherein she has stated that there is no objection to grant of bail to the applicants. The aforesaid affidavit has been filed with covering memo in MCRC No. 6628 of 2020.
- 8) Having heard learned counsel for the parties, having regard to the

facts and circumstances of the case, the fact that the victim has no objection to grant of bail to the applicants, the detention period of the applicants, the fact that the applicants namely Nasim and Sakila are aged about 62 years and conclusion of the trial may take some time, therefore, without expressing anything upon merits of the case, the bail application is allowed.

9) It is directed that in the event of each of the applicants 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, 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) They shall not involve themselves in any offence of similar nature in future.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim