

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8246 of 2019**

Naved Irfan son of Mohammed Irfan Hussain, aged about 23 years, resident of Quarter No. B-87, Vikas Nagar, Kusmunda, Police Station – Kusmunda, Tahsil – Katghora, District – Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : the Incharge, Outpost- Manikpur, Police Station – Kotwali, Korba, District – Korba (C.G.)

----Non-applicant

For Applicant	: Mr. Anshul Tiwari, Advocate.
For Non-applicant/State	: Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****04/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 721/2019 registered at police Station Outpost – Manikpur, Police Station Kotwali, Korba, District Korba (C.G.) for the offence punishable under Sections 509-B & 506 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant and complainant were studying together and they are well acquainted to each other. It is alleged that applicant used to send obscene messages to her (complainant), as a consequence, complainant has made complaint in this regard before the concerned police station, and on account of which offence under Section 509-B of the IPC has been registered against the applicant. Thereafter, applicant applied for grant of bail and he was granted bail. It is also alleged that

after getting bail, the applicant has threatened the complainant for dire consequences and also threatened her to throw acid on her face. The complainant has again made report in this regard and on her report, offences under Sections 509-B and 506 of the IPC has been registered against the applicant and he has been arrested in connection with the said offences.

(3) Counsel for the applicant submits applicant has been falsely implicated in the crime in question as there is no evidence available on record to connect the applicant with the crime in question. He further submits that the applicant is in jail since 14-11-2019; no useful purpose would be served in further detaining him in jail and the trial is likely to take some more time for its final disposal and no custodial interrogation is required and, therefore, the applicant is entitled to be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case, further considering the fact the applicant is in detention since 14.11.2019; the trial is likely to take some time for its final disposal and no further custodial interrogation is required; without further commenting on merits; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

D/-

