

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 187 of 2021

1. Nejamuddin Khan S/o Eddu Mohamad, Aged About 48 Years, R/o Village Shardapur Miyanpara, Police Station Chalgali, District Balrampur-Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Chalgali, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant	: Mr. Arun Kumar Shukla, Advocate.
For Non-Applicant/State	: Ms. Shobha Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 19/07/2020 in connection with Crime No. 79/2020 registered at Police Station Chalgali, District Balrampur-Ramanujganj (C.G.) for the offence under Sections 294, 506 & 307 of IPC.
- 2) Allegation against the applicant is that on 18/07/2020 at about 11 PM he abused filthily his wife Saliman Nisha at public place, threatened her of life and in an attempt to commit her murder assaulted on her head with axe which hit her knee resulting in fracture of knee bone. During investigation on the memorandum of the applicant the weapon of offence axe was seized. On report being lodged to the above effect, offence has been registered against the applicant.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant is in jail since 19/07/2020, charge

sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant, the fact that charge sheet has already been filed, nature of the injury on the body of the victim, the fact that applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, the offence is triable by Judicial Magistrate First Class, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant 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, he shall be released on bail on the following conditions:-
 - i. he 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,
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge