

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 712 of 2021

- Abdul Jabbar @ Jabbari, S/o Habdul Habib, Aged About 62 Years, R/o 3919 Near Jagat Cinema Urdu Bazar, Delhi, P. S. Jama Masjid Delhi

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Civil Lines District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate.
For Respondent	:	Mr. Devendra Pratap Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/02/2021

Heard.

1. This is 7th bail application 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.288/2017 registered at Police Station– Civil Lines, District– Bilaspur (C.G.) for the offence punishable under Sections 121-A, 122, 123, 120B, 201/34 of the Indian Penal Code.
2. First bail application of applicant bearing MCRC No.2620/2018 was dismissed for want of prosecution on 17.4.2018. Second bail application bearing MCRC No.2698/2018 was dismissed as withdrawn on 21.6.2018. Third bail application bearing MCRC No. 4746/2018 was dismissed on merits vide order dated 23.8.2018. Fourth bail application bearing MCRC No.4992/2019 was dismissed for want of prosecution on 3.1.2020. Fifth bail application bearing MCRC No.964/2020 was dismissed for want of prosecution on 13.3.2020 and sixth bail

application was again dismissed on 29.9.2020.

3. It is submitted that the present application has been filed by this applicant on the ground of serious illness of his only son, who has suffered second heart attack and is admitted in the Ashirwad Nursing Home Heart and Diabetes Centre, New Delhi. The applicant is needed to take-care of his son and also take care of his treatment in the hospital. Therefore, it is prayed that he may be granted temporary bail of three months.
4. Learned State counsel opposes the submissions and submits that the applicant is resident of Delhi, therefore, in case he is released on bail he may not be available for trial and the proceeding in trial may suffer, therefore, the application be rejected.
5. Considered on the submissions. The State counsel has made verification of the documents that have been filed by the applicant regarding ailment of his son Abdul Bashir and it has been reported that the he has suffered heart attack and admitted in the Ashirwad Nursing Home Heart and Diabetes Centre Multi-specialty Hospital, New Delhi, Hence, on the humanitarian ground, the prayer for grant of temporary bail is allowed.
6. Accordingly, the bail application is allowed. The applicant is ordered to be released on temporary bail for a period of **three months** from the date of his release, on his executing a personal bond in the sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the Court concerned. The applicant shall not misuse the liberty granted to him. On completion of period of temporary bail, applicant shall surrender before the Court below concerned without fail. The trial Court concerned is directed to fix a date for surrender of applicant before the Court depending upon his release from jail.
7. Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

