

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1291 of 2021**

- Shahanwaj Khan @ Sanu, S/o Javed Khan, aged about 25 Years, R/o Taj Nagar, Santoshi Tikrapara, Police Station Tikrapara, Tahsil and District Raipur, Chhattisgarh.

---Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station New Rajendra Nagar, Raipur, District Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Krishna Kumar Dixit, Advocate.
For State	Shri C.B. Kesharwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

01/07/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.189/2020 registered at Police Station- New Rajendra Nagar, District Raipur, C.G. for the offence punishable under Section 394/34 of Indian Penal Code.
3. Prosecution case is that the applicant and co-accused looted a mobile from the victim and assaulted him with the help of knife.
4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He

submits that identification of seized article has not been done by the prosecution. Applicant is in jail since 14.07.2020, charge sheet has already been filed, due to COVID 19-pandemic, conclusion of trial is likely to take some time and that co-accused person namely- Iliyas Khan in this case has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 18.02.2021 in MCRC No.8100 of 2020 and, therefore, the applicant be released on bail on the ground of parity.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation leveled against the applicant, the detention period of the applicant, who is 25 years old, charge sheet has already been filed, the fact that the co-accused person in this case has already been granted regular bail by the Co-ordinate Bench of this Court, the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by counsel for the parties and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh