

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3377 of 2021**

- Mohammad Vahid, S/o Mahammad Ismael, aged about 36 Years, R/o Ward No. 01, Dharsiva, Police Station- Dharsiva, District- Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Dharsiva, District- Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Tarun Dansena, Advocate.
For State	Shri K.K. Singh, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board**08/06/2021**

1. The matter is heard through Video Conferencing.
2. Learned counsel for the applicant submits that the default as pointed out by the Office has already been removed,
3. First bail application preferred by the applicant was dismissed as withdrawn vide order dated 15.02.2021 passed in MCRC No. 832/2021.
4. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.438/2020 registered at Police Station Dharsiva, District Raipur, C.G. for the offence punishable under Sections

294, 323, 506, 147, 148, 149 & 307 of Indian Penal Code and Sections 25 & 26 of the Arms Act.

5. Case of the prosecution, in brief, is that on 11.10.2020 in front of house of Suresh Pandey in Dharsiva Bhatha due to old enmity and property dispute, having common intention by using filthy language and by giving threat to life, the present applicant assaulted Suresh Pandey, Naresh Pandey, Gitesh Pandey, Keshav Sahu, Ravi Shankar Sahu and others with sharp weapon knife. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the present applicant and other co-accused persons.
6. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant has already been acquitted of the similar charges under Sections 294, 506 Part-II and 323 of Indian Penal Code by the JMFC, Raipur, C.G. vide judgment dated 17.06.2013 (Annexure A-4). The applicant is in jail since 11.10.2020, charge sheet has already been filed, conclusion of trial is likely to take some time and that co-accused persons namely- Mustafa Khan, Abbas Khan & Mohammad Husain Khan in this case have already been granted regular bail by this Court vide order dated 15.02.2021 passed in MCRC No.823 of 2021, MCRC No.740 of 2021 and MCRC No.757 of 2021 respectively and co-accused persons namely Smt. Sultana Wahida, Sahil Khan and Mohd. Iqbal Quereshi in this case have already been

granted regular bail by the co-ordinate Bench of this Court vide order 20.01.2021 in MCRC No.8363 of 2020, MCRC No.8853 of 2020 and MCRC No.9016 of 2020 respectively and, therefore, the applicant be released on bail on the ground of parity.

7. On the other hand, learned counsel for the State opposes the bail application.

8. Heard learned counsel for the parties and perused the case diary.

9. Considering the facts and circumstances of the case, the detention period of the applicant, who is 36 years old, the applicant has already been acquitted in similar case, charge sheet has already been filed, the fact that the co-accused persons in this case have already been granted regular bail by this Court and the co-ordinate Bench of this Court and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel 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 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