

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3126 of 2021**

1. Azad Ansari, S/o Shri Salim Ansari, aged about 32 Years, Occupation - Business,
2. Salim Ansari, S/o Late Shri Shakur Ansari, aged about 62 Years, Occupation - Business,

Both are R/o. Mominpura, Ambikapur, Police Station and Tehsil - Ambikapur, District – Sarguja, Chhattisgarh.

---Applicants

Versus

- State of Chhattisgarh, Through, Station House Officer Ambikapur, District – Sarguja, Chhattisgarh.

---Non-applicant

For Applicants	Shri Surfaraj Khan, Advocate.
For State	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

12/07/2021

1. The matter is heard through Video Conferencing.
2. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.351/2021 registered at Police Station- Ambikapur, District Sarguja, C.G. for the offence punishable under Sections 498-A, 376, 506 read with 34 of Indian Penal Code.
3. As per the prosecution case, marriage of the complainant was solemnized with co-accused Naseem Ansari on 16.06.2020 and soon after the marriage she was being tortured and harassed

mentally and physically on different occasions by the present applicants and her husband in connection with demand of dowry and that the applicants also forcibly committed sexual intercourse with her. On report being lodged to the above effect, the aforesaid offence have been registered against the present applicants and co-accused person.

4. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that no cruelty for demand of dowry or sexual intercourse was committed by the applicants. He also submits that charge sheet has already been filed in this case, applicants are in jail since 01.04.2021 and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the fact that due to some matrimonial dispute between the prosecutrix and her husband i.e. co-accused Naseem Ansari, an application has been filed by her husband before the Family Court, Ambikapur for restitution of conjugal rights and thereafter FIR was lodged by the prosecutrix against the present applicants and her husband on 01.04.2021 after a delay of two months, charge sheet has already been filed, the detention period of the applicants, who are 32 & 62

years old, the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-

- (i) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves 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 applicants involving themselves in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

