

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3274 of 2021

- Ayyub Hasan, Age about 21 years, S/o Shri Kalva Hasan, R/o Thanda Nala, Post – Gularbhoj, P.S. - Gadarpur, District (Revenue & Civil) Udham Singh Nagar (Uttarakhand)

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Purani Basti, District - Raipur (C.G.)

---- State/Non-Applicant

For Applicant : Ms. Richa Pandey, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

16.07.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 01.03.2021 in connection with Crime No. 51/2021 registered in Police Station- Purani Basti, Raipur, District Raipur (CG) for the offence punishable under Section 420/34 of IPC.
2. Allegation against the present applicant is that he in connivance with other accused persons told the complainant that the jewelries kept by her in the house have an adverse astrological effect on her son and as such a threat to him and in this way they fled away with the jewelries of the complainant worth Rs.5 lacs by cheating her in a fraudulent manner.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he has no criminal antecedents, he is languishing in jail since 01.03.2021, charge-sheet has been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail

application and submits that the applicant has no criminal antecedents.

5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, considering the detention period of the applicant who is 21 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and charge-sheet has already been filed, due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
7. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two local sureties of Rs.1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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/her 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.
8. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge