

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3463 of 2021

- Hamid Ansari, aged about 24 years, Son of M.A. Ansari, R/o Taiba Chowk, Talapara, Police Station Civil Line, Bilaspur, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Achyut Tiwari, Advocate
For Non-Applicant/State	:	Shri K.K. Singh, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.07.2021

1. Default has been removed.
2. Heard.
3. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 28.01.2021 in connection with Crime No. 147/2021 registered in Police Station- Civil Line, Bilaspur, District Bilaspur (CG) for the offence punishable under Sections 294, 506-II, 323 & 324 of IPC.
4. Allegation against the present applicant is that on 27.01.2021 at about 01:30 pm, the applicant has abused the filthy language to complainant namely Sheik Kasif and he has also threatened to kill the complainant. Further allegation is that the applicant has also caused injuries on the hip of the friend of complainant namely Mohammad Naushad by means of knife.
5. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 28.01.2021, charge-sheet has been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

6. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has no criminal antecedents.
7. I have heard learned counsel for the parties.
8. Having regard to the facts and circumstances of the case, the fact that the friend of the complainant has been discharged from hospital on the same day with no any serious complication, the detention period of the applicant who is 24 years old, the fact that there is no apprehension of the applicant tampering with the evidence or absconding, the applicant has no criminal antecedents as admitted by both the counsel, and that the charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the bail application is allowed.
9. It is directed that in the event of applicant 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, 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.
10. 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