

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3733 of 2021

- Sikandar Jaysi @ Moh. Anish, (alias not mentioned in order impugned but mentioned in charge sheet), S/o. Nisar Ahmad Jaysi, Aged About 21 Years, R/o. Bajrang Nagar, Ward No. 09, Thana and Tahsil Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, P.S. Takhatpur, District Bilaspur, Chhattisgarh. **---- Non-Applicant**

For Applicant	: Ms. Ashwini Amin, Advocate
For Non-Applicant/State	: Dr. (Ms.) Veena Nair, Dy.A.G.
For Objector/Victim	: Mr. Atul Kesharwani, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 13.03.2021 in connection with Crime No.100/2021 registered at Police Station- Takhatpur, District- Bilaspur (C.G.) for the offence punishable under Section 294, 307 of IPC.
- 2) Case of the prosecution, in brief, is that on 08.03.2021 the complainant Chandraprakash Jaiswal was sitting alongwith his friend Javed Jaysi in the Tyre shop of Lalla Patel, at that time, the present applicant reached to said shop and start abusing Javed Jaysi filthily and with intention to kill Javed Jaysi, the applicant assaulted him with knife to his vital part abdomen and caused stab injuries.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, she further submits that the applicant is young offender and he has no

criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the charge-sheet has already been filed, the victim- Javed Jaysi was discharged from the hospital within three days, the applicant has been arrested on 13.03.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Counsel for the objector/victim has no objection to grant of bail to the applicant.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, allegation made against the applicant, nature of injuries sustained by the victim- Javed Jaysi, the victim- Javed Jaysi discharged from hospital within three days, the detention period of the applicant, who is 21 years old, counsel for the objector/victim has no objection to grant of bail to the applicant and 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 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 the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- 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 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

Nadim