

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 4460 of 2021

- Amir Beg S/o Kadar Beg, aged about 27 years, R/o Village Pandadah, Police Station Khairagarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the Police Station Khairagarh, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant : Shri S.S. Baghel, Advocate

For Non-Applicant/State : Ms. Deepti Shukla, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

01.07.2021

1. Heard on admission.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 04.05.2021 in connection with Crime No. 157/2021 registered in Police Station- Khairagarh, District Rajnandgaon (CG) for the offence punishable under Sections 452, 294, 427, 506 read with Section 34 of IPC.
5. Case of the prosecution, in brief is that in the intervening night of 06.04.2021 at 09:00 hrs, when the complainant party, after having dinner, sleeping in the home, the present applicant alongwith co-accused Suraj Yadu & Ahfaz Baig came to the house of the complainant party, banging/knocking on their door, abused the complainant party filthily, threatening them to life and fled away after not opening of the door.
6. Learned counsel of the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant is

the young offender, he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed and due to Covid-19 pandemic trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court. He also submits that co-accused persons namely Suraj Yadu & Ahfaz Baig have already been granted regular bail by this Court vide order dated 29.06.2021 passed in M.Cr.C. No. 4286 of 2021.

7. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application, however, she submits that the applicant has no criminal antecedents.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the present applicant, the detention period of the applicant who is 27 years old 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 due to covid-19 pandemic, conclusion of trial may take some time, and that the co-accused persons have already been granted regular bail by this Court, without commenting anything on merits of the case, the 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

vatti