

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5013 of 2021

1. Salman Ali @ Giddi S/o Hussain Ali, Aged About 26 Years, R/o Irani Dera, Pandari, Tahsil And District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Mujgahan/ Sejbahar, District Raipur (C.G.).

---- Non-Applicant

For Applicant	: Mr. Kishore Narayan, Advocate.
For Non-Applicant/State	: Mr. Priyanshu Gupta, Panel Lawyer.
For Objector	: Mr. Ashish Beck, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

31/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 7924/2021 was dismissed as withdrawn on 12/01/2021.
- 3) The applicant is arrested on 08/07/2020 in connection with Crime No. 114/2020 registered at Police Station Mujgahan/ Sejbahar, District Raipur (C.G.) for the offence under Section 307, 323, 34, 147, 148, 149 of Indian Penal Code and Section 25 & 27 of the Arms Act.
- 4) The prosecution story in brief is that on 07.07.2020 at about 9 pm complainant Dinesh Sendre and his friends namely Ravi, Roshan and Anil were standing nearby their colony, at that time dispute arose between the complainant and co-accused Pankaj Tiwari and due to which after some time Pankaj Tiwari and his

friends Vinay Sharma (co-accused), Raja Sharma and present applicant Salman Ali @ Giddi came there and assaulted the complainant and his friends with knife, hand & fist and thereby committed the aforesaid offences.

- 5) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that co-accused Vinay Sharma & Bhishmnarayan Sharma have already been granted regular bail by this Court vide order dated 12/01/2021. He further submits that there is no apprehension of the applicant tampering with the evidence or absconding. He lastly submits that charge sheet has been filed, the applicant is in jail since 08/07/2020 and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail on ground of parity.
- 6) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has as many as 16 criminal antecedents, out of which in 04 cases he has been acquitted by the Trial Court.
- 7) Learned Counsel for the Objector submits that the complainant/victim Vinesh Sendre has filed a notarized affidavit dated 27/07/2021 in which complainant has no objection to release of the applicant on bail.
- 8) Heard learned counsel for the parties.
- 9) Considering the facts and circumstances of the case, the pre-trial detention of the applicant who is 26 years old, the fact that the complainant/victim has duly sworn an affidavit raising no objection to release of the applicant on bail, though there are number of criminal antecedents of the applicant, however, considering the fact that **co-accused** persons have already been released on bail by this Court as well as by Trial Court, charge sheet has already been filed, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion

of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the 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,
- 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 Govt./State Govt./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

Chandrakant