

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5231 of 2021

1. Jaman Ali S/o Shri Sharafat Ali, Aged About 30 Years, R/o Irani Colony, Saddu, P.S. Mowa, District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through P.S. Azad Chowk, District Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Pragalbha Sharma, Advocate.
For Non-Applicant/State	:	Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

06/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 30/06/2021 in connection with Crime No. 19/2020 registered at Police Station Azad Chowk, District Raipur (C.G.) for the offence punishable under Section 294, 506, 323, 307/34 of Indian Penal Code and Section 25 & 27 of Arms Act.
- 3) As per the prosecution case on 03/01/2020 at around 10 PM when Mohammad Sahnawaz alongwith his friend Mohammad Hafiz was going on motorcycle, the accused applicant alongwith other co-accused persons namely Abdul Gani, Mohammad Imran and Saiyad Dastgir due to old enmity stopped them, abused them filthily, threatened them of life and co-accused Abdul Gani in an attempt to commit murder assaulted on Sahnawaz with knife.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that co-accused Mohammad Imran, Saiyad Dastgir including main accused Abdul Gani have already been granted regular bail by Co-ordinate

Bench of this Court passed in MCRC No. 3286/2020 vide order dated 23/06/2020. He further submits that the applicant has been arrested on 30/06/2021. He submits that charge sheet has been filed, there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail on ground of parity.

- 5) On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has as many as 06 criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, there is no specific allegation against the present applicant, the detention period of the applicant who is 30 years old, charge sheet has already been filed, the applicant has criminal antecedents, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that co-accused have already been released on bail by the Co-ordinate Bench of this Court, 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. 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 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