

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5406 of 2021

- Zia Haq Qureshi, S/o Abdul Qureshi, Aged About 41 Years, R/o. Near Panchayat Bhawan Village Tetar Butti Tahsil Jagdalpur, District-Bastar, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through - The Police Station Parpa District-Bastar, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Pravin Kumar Tulsyan, Advocate

For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 27.08.2020 in connection with Crime No. 178/2020, registered at Police Station- Parpa, District- Bastar (C.G.) for the offence punishable under Sections 186, 353, 188, 270, 506, 224, 307 of IPC.
- 2) Case of the prosecution, in brief, is that on 31.07.2020 at about 1 pm at medical college Dimrapal, the applicant was admitted as COVID patient and during his treatment he ran towards Doctor and medical staff with intention to assault them with iron rod, the applicant thereafter spat at the hospital and fled away.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question, he further submits that the applicant has one criminal antecedent, charge-sheet has already been filed, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 27.08.2020 and due to COVID-19 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 one criminal antecedent under Section 354 of IPC.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of allegation made against the present applicant, charge-sheet has already been filed, the detention period of the applicant, who is 41 years old and 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 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) 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