

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4741 of 2021

- Sajid Hashmi, S/o Late Syed Haider Hashmi, Aged About 43 Years, R/o Sanjay Nagar, Behind Indian Public School, Street No.6, Tikrapara, Raipur (C.G.) **---- Applicant**

Versus

- State of Chhattisgarh, Through- Thana Incharge Mana Camp Thana District Raipur Chhattisgarh. **---- Non-Applicant**

MCRC No. 2871 of 2021

- Shahbaj Ali, S/o Akbar Ali, Aged About 28 Years, R/o House No. 21, Irrigation Colony, Near M. M. I. Hospital Lalpur, Tikrapara, District- Raipur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Office, Police Station Mana Camp, District- Raipur, Chhattisgarh.

---- Non-Applicant

MCRC No. 5948 of 2021

- Sunil Namdev, S/o Late Shri N. P. Namdev, Aged About 45 Years, R/o Anand Vatika, Vip Road, Mana Camp, Raipur, District- Raipur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- SHO- Mana Camp, Raipur, District- Raipur, Chhattisgarh. **---- Non-Applicant**

For Applicants : Shri Kishore Bhaduri, Senior Advocate with Shri Pankaj Singh, Shri Sudeep Johri & Shri Devershi Thakur, Advocates.

For Non-Applicant/State : Shri Sunil Otwani, Addl. A.G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

23.08.2021

- 1) Since all these cases arise out of same crime number, they are being disposed of by this common order.
- 2) First bail application of applicant Sunil Namdev was dismissed as withdrawn vide order dated 30.07.2021 in MCRC No. 3037 of 2021.
- 3) The applicants have preferred these Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are arrested in connection with Crime No. 45/2021 registered at Police Station- Mana Camp Thana, District- Raipur (C.G.) for the offence punishable under Sections 294, 384, 34, 419, 420, 468, 471, 201, 120B of IPC.
- 4) Case of the prosecution, in brief, is that the complainant who is running restaurant had organized one event on completion of one year of the restaurant with permission of the Government. The present applicants unauthorisedly entered the said restaurant with mike and camera showing themselves as media persons, recorded videos of the event, threatened the complainant of making the video viral and obtained Rs. 30,000/- . The applicants then demanded more money from the complainant which was refused by the complainant on which they threatened to publish their news in the print media. During investigation, it revealed that the applicants are not associated with the media group, they prepared forged ID cards and on the basis of this, they cheated the complainant.
- 5) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that FIR was lodged with inordinate delay of 44 days with an explanation that the complainant was out of Raipur regarding treatment of his sister. The applicants Sajid Hashmi, Shahbaj Ali have no criminal antecedents. The applicant Sunil Namdev has already been granted regular bail in connection with Crime No. 46/2021 vide

order dated 05.07.2021 in CRA No. 524/2021. Charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 21.03.2021 & 27.03.2021 and due to Covid-19 pandemic, trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.

- 6) On the other hand, learned counsel for the Non-applicant/State vehemently opposes the bail applications, however, he submits that applicants namely Sajid Hashmi and Shahbaj Ali have no criminal antecedents.
- 7) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicants, charge-sheet has already been filed, the detention period of the applicants, who are 28, 43 & 45 years old and the fact that the applicants Sajid Hashmi & Shahbaj Ali have no criminal antecedents, whereas applicant Sunil Namdev has already been granted bail by this Court vide order dated 05.07.2021 in CRA No. 524/2021, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and due to Covid-19 pandemic conclusion of trial may take some time, the applications are allowed.
- 8) It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-
 - (a) they 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,
 - (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) they shall appear before the trial Court on each and every date given to them by the said Court till

disposal of the trial,

(d) they shall not involve themselves in any offence of similar nature in future,

(e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim