

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6195 of 2021

1. Aakib Khan A/o Aabid Khan, Aged About 18 Years, R/o Rajendra Nagar, P.S. Civil Line, Tahsil And District Bilaspur (C.G).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, P.S. Civil Line, District Bilaspur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Suresh Kumar Verma, Advocate.
For Non-Applicant/State	:	Mr. Shrestha Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 19/06/2021 in connection with Crime No. 579/2021 registered at Police Station Civil Lines, District Bilaspur (C.G.) for the offence punishable under Sections 341, 354, 294, 323, 506/34 of Indian Penal Code.
- 2) As per prosecution case on 14/06/2021 at around 07:30 Pm when the prosecutrix was going on by motorcycle with her friend Tushar soni, the applicant alongwith other co-accused intercepted their vehicle and started misbehaving with her by holding her hands and fists. When Tushar Soni objected to it, the accused persons having abused him filthily assaulted with belt, as a result of which he sustained injuries over his head and neck. The applicant after threatening him of life if she lodged report with the Police, fled from the spot. On report being lodged to the above effect, the aforesaid offence has been registered against the accused persons.
- 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 been arrested on 19/06/2021. He submits that the co-accused Aftab Ahmed has already been granted bail by the Court

below vide impugned order dated 03/07/2021. He submits that the charge sheet has already 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.

- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has one criminal antecedent bearing Crime No. 355/2021 for the offence under Section 294, 506, 323, 324, 34 of IPC, registered at Police Station Civil Lines, Bilaspur (C.G.).
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation against the present applicant, the fact that the co-accused has already been granted bail by the Court below, the detention period of the applicant who is 18 years old, charge sheet has already been filed, the offence is triable by Magistrate, 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