

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6494 of 2021

1. Aavid Ansari S/o Late Diljan Ansari, Aged About 62 Years,
2. Mohabbar Ansari, S/o Aavid Ansari, Aged About 32 Years,

Both are R/o Village Kalikapur, P.S. Ramchandrapur, District Balrampur-Ramanujganj (Chhattisgarh).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Police Station Ramchandrapur, District Balrampur-Ramanujganj (Chhattisgarh).

---- Non-Applicant

For Applicants	:	Mr. Akath Kumar Yadav, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

26/10/2021

- 1) Heard.
- 2) This is the **First Bail Application** of applicants filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. They are in jail since 26/06/2021 in connection with Crime No. 31/2021 registered at Police Station Ramchandrapur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 294, 323, 326, 506 & 307 of IPC.
- 3) As per the prosecution case on 22/06/2021 at around 09:40AM, the applicants came to the house of the complainant Sudama Yadav and started abusing him filthily over cutting of bamboo. When the complainant objected to its applicant Mohabbar Ansari slapped the complainant. When mother of the complainant Sakunti intervened, applicant Aavid Ansari assaulted her with the blunt part of Axe. Applicant Aavid Ansari also assaulted the complainant with the handle of the Axe, as a result of which he sustained injuries over his head and left ear and his mother also suffered injuries near left ear,

left eyebrow and back. On report being lodged to the above effect, the aforesaid offences has been registered against the applicants.

- 4) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He submits that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 26/06/2021, charge sheet has already been filed and conclusion of trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-applicant/State opposes the bail application.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of injuries, the detention period of the applicants, who are 62 & 32 years old respectively, charge sheet has already been filed, the fact that applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is **allowed**.
- 8) It is directed that in the event of **each** of the applicants 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, 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**

Chandrakant