

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6985 of 2021

1. Vijay Memon S/o Balkishan Memon, Aged About 37 Years, R/o Deendayal Upadhyay Nagar, Housing Board, Bhilai, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Office, Durg District Durg (C.G.).

---- Non-Applicant

For Applicant	: Mr. Suryakant Mishra, Advocate.
For Non-Applicant/State	: Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

28/10/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 25/07/2021 in connection with Crime No. 565/2021 registered at Police Station Durg District Durg (C.G.) for the offence punishable under Section 509(B) of Indian Penal Code.
- 2) Allegation against the present applicant is that on 03/07/2021 at around 08:00 PM he sent obscene message (*Randi call Kar Jaldi*) to the complainant through his mobile phone on her mobile number.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that charge sheet has already been filed and the applicant is in jail since 25/07/2021. He submits that 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.

- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 37 years old, charge sheet has already been filed, the fact that 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, 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