

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9257 of 2021**

- Sahiduddin Alias Syed Nizami S/o Shri Haji Taajuddin, Aged About 43 Years, R/o Nizami Chowk, Sanjay Nagar, PS Tikrapara, Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station Tikrapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Kishore Bhaduri Senior counsel, Assited by Mr. Pankaj Singh, Adv.
For Respondent/State	:	Mr. Sushil Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/12/2021**

Heard.

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 419/2021 registered at Police Station Tikrapara, District-Raipur (C.G.) for the offence punishable under Section 307, 34 of IPC and Section 25 & 27 of the Arms Act.
2. The prosecution story, in brief is that, on 06.10.2021, at about 9:00 pm., the complainant was out of his house when he got a call from his wife stating that the present applicant came to their house and created a ruckus by shouting abusive words against their family on account of some

previous enmity between them. After being aware of the same the complainant rushed to the house of the present applicant to confront him. However, the complainant met the applicant at Nizami Chowk at about 10:15 pm., at that time the complainant was accompanied by his nephew Sajid and his friend Syed Dastgeer. The applicant was present there along with his father and son. Due to this, both the parties had some heated arguments which escalated into a physical scuffle. It has been further alleged that during that scuffle the son of the present applicant took a knife and attacked upon the complainant. Thereafter, it is alleged that the present applicant pulled out a wooden stick and hit upon the nose of the complainant nephew. Based on this offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that a bare perusal of the MLC will make it evident that the injuries are self-inflicted and have been made only to implicate the present applicant in the present case. He also submits that the applicant is in jail since 06.10.2021, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the

offence, facts and circumstances of the case, detention period of applicant that he is in jail since 06.10.2021 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed, subject to following conditions:

- That, the applicant will furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him will be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant will make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant will 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/her from disclosing such facts to the Court or to any police officer.
- That, the accused/applicant will not act, in any manner, which will be prejudicial to fair and expeditious trial.
- That, he will furnish a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

