

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9669 of 2021

Kasim Ali S/o Shri Mahmood Ali Aged About 28 Years R/o Near Husaini Masjid,
Main Road Talapara, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line,
District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Punit Ruparel, Advocate
For Respondent – State	:	Mr. Jitendra Shukla, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

20.12.2021

1. This is the **second bail** application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.500/2021, registered at Police Station Civil Line, District – Bilaspur (CG) for the offence punishable under Section 307 of the IPC.
2. Earlier the *first* bail application was dismissed on merits vide order dated 27.07.2021 in MCRC No.4006/2021 with liberty to revive the same after examination of the injured.
3. As per the prosecution case, injured Sabia Begum was married with the applicant on 10.04.2018. On some dispute in the family, the applicant and the injured started residing separate in a rented accommodation. On the date of the incident, the applicant poured spirit like liquor over the person of the injured and set her on fire.
4. Learned counsel for the applicant submits that the applicant is innocent and

he is falsely implicated in the present case. He further submits that the statements given before trial Court of witnesses - injured/Sabia Begum (PW-1), Khwaja Bee (PW-2), Sultan Mohammad (PW-3), Mohammad Anish (PW-4) and Javed Khan (PW-5) all were turned hostile and nothing has been left with the prosecution case and further that the applicant is in jail since 17.05.2021, therefore, the applicant may be enlarged on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering the statement of the injured/Sabia Begum (PW-1), the other witnesses and further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant is in jail since 17.05.2021 and the conclusion of trial may take some time, the application is allowed.
7. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions :-

- (a) 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.
- (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
- (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge