

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8248 of 2022**

- Izahar Ansari S/o Islam Aged About 23 Years R/o Village-Kanakpur, Police Station- Ramanunjanj, District : Balrampur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station- Ramanunjanj, District : Balrampur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rahul Mishra, Advocate.
For Respondent/State : Mr. B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/11/2022**

1. The accused/applicant has moved this **second bail** application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 213/2022 registered at Police Station - Ramanunjanj, District - Balrampur-Ramanunjanj (C.G.) for the offence punishable under Sections 392, 505 (C), 34 of the IPC and Section 67 of the Information Technology Act (as per FIR).
2. The first bail application of the applicant was dismissed as withdrawn on 01.08.2022 in MCRC No. 5670/2022.
3. The prosecution story, in brief, is that on 14.09.2022, the complainant lodged a report alleging therein that on 09.06.2022 at about 8:00 pm. when he was returning from Ramanunjanj to Wadrafnagar at that time, the applicant along with his two friends came there and looted his mobile of Jio company and the applicant has sent an abusive message through the mobile of the complainant against the tribal community. Based on this, offence has been registered against the present applicant.

4. 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 at the time of deciding the first bail application, the charge sheet was not filed, therefore the first bail application was withdrawn, subsequently, the charge sheet has been filed and a bare perusal of the entire charge sheet, it is evident that the applicant has neither looted the mobile of complainant nor sent any abusive message against the tribal community. He also submits that the offence is triable by Judicial Magistrate First Class and the applicant is in jail since 13.06.2022, and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the detention period of applicant and considering the fact that the offence is triable by Judicial Magistrate First Class, 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.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one 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 till disposal of the trial.

Sd/-
(Rajani Dubey)
Judge