

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3605 of 2015**

- Mohammad Aslam Memon, S/o Mohammad Asraf, aged about 25 years, by caste – Musalman, R/o Ward No.03 Old Basti Korba, P.S.-Kotwali, Korba, Tahsil & Civil & Revenue Distt. Korba (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Out post- Rampur, Police Station – Kotwali, Distt. Korba (C.G.)

---- Non-applicant

For Applicant: Shri Awadh Tripathi, Advocate.
 For Respondent: Shri Qamrul Aziz, Panel Lawyer.
 For Objector: Shri Sanjay Patel, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/08/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 257/2015 registered at Police Station Out Post-Rampur, Kotwali, Distt. Korba for the offences punishable under Sections 147, 148, 149, 323 & 365 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 17.06.2015

applicant & three co-accused persons are said to have kidnapped Ritesh Shah with intent to confined him wrongfully and also assaulted him, by which, he suffered grievous injuries.

(3) Counsel for the applicant submits that the applicant has falsely been implicated in the offence in question as he has not committed any offence, in-fact, in a road accident Aditya Poddar has suffered some injuries pursuant to which such offence has been registered against the applicant. He further submits that the applicant is in jail since 18.06.2015; and no useful purpose would be served in detaining him in jail as the substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that applicant & other co-accused persons have abducted Dipesh Shah and also assaulted him and, therefore, he is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; looking to the nature & gravity of the offence; and the role of the present applicant in the crime in question; considering his pre-trial detention; and the substantial investigation has already been made; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- 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.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-