

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 7396 OF 2015

Mohammad Nijam, aged about 21 years, son of Mohammad Abrar Khan, resident of Mohdapara, Raipur, Tehsil Raipur, Civil and Revenue District Raipur, Chhattisgarh.

... Applicant

Versus

State of Chhattisgarh, through: Station House Officer, Police Station Ganj, District Raipur, Chhattisgarh.

... Respondent

For Applicant	:	Shri Badruddin Khan, Advocate.
For Respondent-State	:	Shri Anupam Dubey, Deputy Government Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

30/12/2015

1. This is first application filed under Section 439 Cr.P.C. for grant of bail to the Applicant who is in jail since 1.12.2015 in connection with Crime No. 102/2015 registered at the Police Station, Ganj, Raipur, Chhattisgarh, for the offence punishable under Sections 294, 323, 506 B, 307, 147, 148 and 149 IPC. It is submitted that the police has filed the charge-sheet and the matter is pending before the Judicial Magistrate First Class, Raipur, Chhattisgarh, as Criminal Case No. 12391/2015.

2. Learned Counsel for the Applicant submitted that co-accused, Mohit Agrawal granted bail by this Court in M.Cr.C. No. 5332/2015 on 6.10.2015, co-accused Prem Prakash granted bail in M.Cr.C. No. 4621/2015 on 7.9.2015 and the co-accused Mohd. Shabbir has been granted bail in M.Cr.C. No. 5445/2015 on 13.10.2015. Learned Counsel for the Applicant further submitted that the case of the present Applicant

is same and he is in jail since 1.12.2015. As his case is identical, he may also be granted bail.

3. Learned Counsel for Respondent-State has opposed the application though submitted that as per the facts mentioned in the index of the case-diary in all these above three cases, bail has been granted by this Court. Learned Counsel for the State further submits that as the present Applicant was absconding, bail may not be granted to him as his matter is different on this point.

4. Heard learned Counsel for the parties and perused the case-diary.

5. Taking into consideration the entire facts and circumstances of the case, nature and gravity of the offence, role of the present Applicant, pretrial detention of the Applicant, nature of injury, charge-sheet has already been filed and particularly considering the order passed by this Court on 6.10.2015 in M.Cr.C. No. 5332/2015, on 7.9.2015 in M.Cr.C. No.4621/2015 and on 13.10.2015 in M.Cr.C. No. 5445/2015 granting regular bail to other co-accused persons, this Court is of the opinion that the present is a fit case in which the Applicant should be enlarged on regular bail.

6. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the Committal Court/Trial Court, as the case may be, for the moment for his appearance as and when directed.

C.C. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
V. Judge