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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4197 of 2015**

Mohammad Saddam, aged about 22 years, Son of Mohammad Ekbal, Caste Musalman, R/o. Makai Chowk, Raipur Road, Dhamtari, P/S City Kotwali, District Dhamtari (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through: Station House Officer, Police Station City Kotwali, District Dhamtari (C.G.)

---- Non-applicant**MCRC No. 4263 of 2015**

1. Jalaluddin S/o Saleem Aged About 32 Years R/o Sihawa Chowk, Dhamtari, P.S. , Tahsil & Civil & Revenue District - Dhamtari Chhattisgarh
2. Imran Khan S/o Mohd. Saleem Aged About 30 Years R/o Sihawa Chowk, Dhamtari, P.S. Tahsil & Civil & Revenue District - Dhamtari Chhattisgarh
3. Akhtar Raza S/o Nizamuddin Aged About 40 Years R/o Sihawa Chowk, Dhamtari, P.S. Tahsil & Civil & Revenue District - Dhamtari Chhattisgarh
4. Tanvir Qureshi S/o Ashfaq Ahmad Qureshi Aged About 29 Years R/o Saalhewarpara, Dhamtari, P.S. Dhamtari, Civil & Revenue District Dhamtari Chhattisgarh
5. Afzal Beg S/o Abbas Beg Aged About 27 Years R/o Saalhewarpara, Dhamtari, P.S. Dhamtari, Civil & Revenue District Dhamtari Chhattisgarh
6. Mohd. Mustafa S/o Mohd. Ismail Aged About 30 Years R/o Saalhewarpara, Dhamtari, P.S. Dhamtari, Civil & Revenue District Dhamtari Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through: Police Station - Dhamtari

Kotwali Civil & Revenue District Dhamtari Chhattisgarh

---- Non-applicants

MCRC No. 4285 of 2015

1. Mainuddin Khilchi S/o Kamruddin Aged About 53 Years R/o Sadar Bazar, Dhamtari, P.S. & Post Dhamtari, Civil & Revenue District Dhamtari Chhattisgarh
2. Nadeem S/o Farukh Mohammed Aged About 28 Years R/o Jalampur Ward, Dhamtari, P.S. & Post Dhamtari, Civil & Revenue District Dhamtari Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through : Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh

---- Non-applicant

MCRC No. 4286 of 2015

Irfan Meman, S/o. Harun Meman, aged about 29 years, R/o Salhewarpara, Dhamtari, P.S. And Post Dhamtari, Civil and Revenue District Dhamtari (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station City Kotwali, Dhamtari, District Dhamtari (C.G.)

---- Non-applicant

MCRC No. 4325 of 2015

1. Rakesh Rao @ Monu Rao S/o Late Ramarao Aged About 30 Years R/o Risaipara, Dhamtari, Post Office & Police Station - Dhamtari, Tahsil & District - Dhamtari (Chhattisgarh).
2. Sumit Patel S/o Late Yashwant Patel Aged About 25 Years R/o Baniyapara, Dhamtari, Post Office & Police Station - Dhamtari, Tahsil & District - Dhamtari (Chhattisgarh).

---- Applicants

Versus

1. State Of Chhattisgarh Through : The Station House Officer,
Police Station - City Kotwali, Dhamtari, District - Dhamtari
(Chhattisgarh).

---- Non-applicant**MCRC No. 4070 of 2015**

Rahul Bhaktani, son of Nebhan Das Bhaktani(Wrongly mentioned as Neman Das Bhaktani in rejection order), aged about 25 years, residetn of opposite to Tiwaribada, P.S. City Kotwali, Tahsil Dhamtari, Civil and Revenue District Dhamtari (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Police Station City Kotwali, District Dhamtari (C.G.)

---- Non-applicant**MCRC No. 4039 of 2015**

Pawan Wadhwani, son of Prakash Wadhwani, aged about 25 years, resident of Near Mangal Bhawan, Aamapara Dhamtari, P.S. City Kotwali, Civil and Revenue District Dhamtari (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Police Station City Kotwali, District Dhamtari (C.G.)

---- Non-applicant**And****MCRC No. 4041 of 2015**

1. Rajeev Ranjan Gupta S/o Brij Kishore Gupta Aged About 35 Years R/o Hathkeshwar Ward, Dhamtari, Post Office & Police Station- Dhamtari, Tahsil & District- Dhamtari, Chhattisgarh
3. Shubham Keshwani S/o Harish Keshwani Aged About 19 Years

R/o Bhagabada, Shiv Chowk, Dhamtari, Post Office & Police Station- Dhamtari, Tahsil & District- Dhamtari, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through: The Station House Officer, Police Station- City Kotwali, Dhamtari, District- Dhamtari, Chhattisgarh

---- Non-applicants

For Applicants:	Shri Sunil Otvani, Advocate in M.Cr.C. Nos. 4070/2015, 4039/2015.
For Applicants:	Shri Manoj Pranjpe, Advocate in M.Cr.C. Nos. 4285/2015 & 4286/2015.
For Applicants:	Shri Shivendu Pandya, Advocate in M.Cr.C. Nos. 4325/2015 & 4041/2015.
For Applicant:	Shri Adil Minhaj, Advocate in M.Cr.C. No. 4263/2015.
For Applicant:	Shri Shivang Dubey, Advocate in M.Cr.C. No. 4197/2015.
For Non-applicant/State	Shri Qamrul Aziz, Panel Lawyer.

Order On Board

26/08/2015

Heard.

(1) Above mentioned bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No.194/2015, registered at Police Station City Kotwali, District Dhamtari, for the offences punishable under Sections 186, 332, 353,147,149,294, 153-A & 333 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that on 8.7.2015 present applicants along with other co-accused persons total 35 in numbers deterred the police officers from performance of their public duty and also used criminal force upon them and also caused injuries to the police officers, by which, they suffered grievous injuries and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the respective applicants would submit that the applicant have been falsely implicated in the offence in question as they have not committed any offence and no weapon or stones, which were used in the offence in question, has been seized from the possession of the applicants. He further submits that the applicants are in jail since 10.07.2015 and the charge sheet has already been filed and the injuries suffered by the police officials are simple in nature and, therefore, the applicants may be released on bail. They would further submits that they are ready and willing to furnish bail bond and they will abide by the conditions imposed upon them and they will maintain the peace and tranquility over the area in future.

(4) On the other, counsel for the State opposes the bail application and submits that the applicants have deterred the police officials from performance of their duty by using criminal force and, as such, they are not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; nature on injuries suffered by the police officials;

considering their pre-trial detention; and the fact that charge sheet has already been filed; this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants – **Mohammad Saddam, Jalaluddin, Imran Khan, Akhtar Raza, Tanvir Qureshi, Afzal Beg, Mohd. Mustafa, Mainuddin Khilchi, Nadeem, Irfan Meman, Rakesh Rao @ Monu Rao, Sumit Patel, Rahul Bhaktani, Pawan Wadhwani, Rajeev Ranjan Gupta & Shubham Keshwani** are directed to be released on bail on each of them 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. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-