

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.576 of 2016

Boby Khan @ Firoz Khan, S/o Rafique Khan, aged about 35 years, R/o
Karbala Chowk, Juna Bilaspur, Civil and Revenue District Bilaspur (C.G.)
---- Applicant

Versus

The State of Chhattisgarh, Through Police Station House Officer Kotwali,
Mungeli, District Mungeli (C.G.)
---- Non-applicant

For Applicant:	Mr. Ashok Soni, Advocate.
For Non-applicant:	Mr. D.R. Minj, Deputy Govt. Advocate.

ANDMisc. Criminal Case No.617 of 2016

Durgesh Yadav, S/o Shri Chhabilal Yadav, aged about 24 years, R/o Milan
Chowk, Near Kududand, PS Civil Lines, Bilaspur, Distt. Bilaspur (C.G.)
---- Applicant

Versus

State of Chhattisgarh, Through City Kotwali, Mungeli, Distt. Mungeli (C.G.)
---- Non-applicant

For Applicant:	Mr. Dheerendra Pandey, Advocate.
For Non-applicant:	Mr. D.R. Minj, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/02/2016

1. Since both the applications are arising out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.585/2015, registered at Police City Kotwali, Mungeli, Distt. Mungeli, for the offence punishable under

Sections 420, 419, 385, 507 and 120B read with Section 34 of the IPC.

3. Case of the prosecution, in brief, is that Deputy Commissioner, Excise Department Vijay Sen Sharma, the complainant, received a phone call demanding Rs.28,000/- and the said phone call was made by accused Bobby Khan and the said phone was in the name of Yugal Kishore Sen.
4. Learned counsel for applicant Durgesh Yadav submits that the applicant Durgesh Yadav has not committed any offence and he has been falsely implicated in the case. He further submits that there is no role of the present applicant in the crime in question, neither he has called nor the phone belongs to him, therefore, he be released on bail, as co-accused persons Sushil Agrawal and Yugal Kishore Sen have been granted bail by this Court vide orders dated 29-1-2016 and 3-2-2016 passed in M.Cr.C.Nos.317/2016 and 422/2016, respectively.
5. Learned counsel for applicant Bobby Khan @ Firoz Khan submits that applicant Bobby Khan has not made the call and the phone was of Yugal Kishore Sen.
6. On the other hand, learned State counsel opposes the bail applications.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of applicant Durgesh Yadav and his pre-trial detention, I am of the opinion that applicant Durgesh Yadav deserves to be released on regular bail. Accordingly, the application of Durgesh Yadav namely M.Cr.C.No.617/2016 is allowed.
9. It is, therefore, directed that the applicant Durgesh Yadav be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

10. However, considering the role of applicant Bobby Khan @ Firoz Khan who is alleged to have made call to the Deputy Commissioner, Excise Department – Vijay Sen Sharma and evidence available in the case diary, I am not inclined to grant bail to applicant Bobby Khan @ Firoz Khan. Consequently, M.Cr.C. No.576/2016 filed on behalf of Bobby Khan @ Firoz Khan is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma