

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.730 of 2016

1. Vasim, S/o Najimuddin, aged about 32 years,
2. Farid, S/o Najimuddin, aged about 30 years,
3. Mukesh, S/o Vidhyeshvar, aged about 30 years,

All R/o Village Mahuvadih, Police Station Shankargarh, District Balrampur-Ramanujgunj, Civil District Sarguja & Revenue District Balrampur, Chhattisgarh.

---- Applicants

Versus

The State of Chhattisgarh, Through Police Station S.H.O. Shankargarh, District Balrampur-Ramanujgunj, Chhattisgarh.

---- Non-applicant

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| For Applicants:    | Mr. A.K. Prasad, Advocate.         |
| For Non-applicant: | Mr. Suvigya Awasthi, Panel Lawyer. |

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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/02/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.118/2015, registered at Police Station Shankargarh, Distt. Balrampur-Ramanujgunj, for the offence punishable under Sections 341, 294, 506B and 392 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 3-12-2015, while complainant Ahmad Ansari along with Sahut Ansari was returning from Bharatpur Bazaar after selling cattle, the present applicants wrongfully restrained them, and also abused and

threatened them and looted Rs.5,100/- from them, and thereby committed the offence.

3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case. There is delay of two days in lodging the FIR and initially, offence under Sections 341, 294, 506B and 386 read with Section 34 of the IPC was registered against the applicants, but at the time of charge-sheeting them, offence under Section 392 of the IPC was substituted in place of Section 386 of the IPC and in which they are in jail since 8-12-2015. Learned counsel further submits that it is the false case against the applicants, the complainants are from Jharkhand and they were found selling cattle in the State of Chhattisgarh without authority of law for which some hot altercation took place between the parties and most of the offences are bailable except Section 392 of the IPC. Therefore, the applicants be released on bail.
4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicants, extent of delay in lodging the FIR, charge-sheet has been filed and the applicants are in jail since 8-12-2015, I am of the view that it is a fit case to enlarge the applicants on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants be released on bail on

their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-  
(Sanjay K. Agrawal)  
Judge

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