

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3333 of 2016

1. Varis @ Ali Khan, S/o. Hasim Khan, aged about 32 years,
2. Ajam Khan, S/o. Hasim Khan, aged about 31 years

Both R/o. Mauharpara, Manendragarh, District – Korea (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police of Police Station- Manendragarh, District – Korea (Chhattisgarh)

---- Respondent

For Applicants	: Mr. Shakti Raj Sinha, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.82/2016, registered at Police Station – Manendragarh, District – Korea (C.G.) for the offence punishable under Section 507, 387, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by complainant, Bhupal Singh that in between 04.03.2016 to 09.03.2016, he received a call on his mobile and an amount of Rs.1,50,000/- was demanded and threat was extended. The allegations against these applicants are that they were in

connivance with Shanwaz used to report where abouts the complainant and on that basis, Shanwaz used to call. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. He further submits that no evidence is available against these applicants and according to the prosecution, the call was identified that of Shanwaz and Shahnawaz has not yet been arrested and only on the basis of that the applicants were roaming around, they were arrested. It is submitted that the applicants are the resident of the same locality. He further submits that charge sheet in this case has been filed, the applicants are in jail since 10.03.2016 and the offences are triable by JMFC, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, statement and the documents. Taking into the fact the nature of allegation and the evidence available against the applicants and further considering the fact that charge-sheet in this case has been filed, the applicants are in jail since 10.03.2016 and the offences are triable by J.M.F.C., this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram