

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5831 of 2016

1. Naved Ali, S/o. Maksood Ali, aged 22 years, R/o. Masan Ganj, P.S. - Civil Lines, District – Bilaspur (C.G.)
2. Danish Khan, S/o. Yunus Khan, aged 20 years, R/o. Imli Para, P.S. - Civil Lines, District – Bilaspur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station – Civil Lines, District Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/09/2016

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.464/2016, registered at Police Station – Civil Lines, District – Bilaspur (C.G.) for the offence punishable under Section 147, 294, 506, 327, 323, 34 of Indian Penal Code.
2. The case of the prosecution in brief is that on 04.08.2016, a report was made by Manish Yadav, that Abhay Baruwa, Santosh Garg, Shiva Naidu, Anas Khan, Prafulla and Gaurav Agrawal and others at about 1.00 am in the night entered into scuffle when they

gathered to greet one of the leaders of congress. During such gathering, the applicants and other demanded money to drink liquor, which was refused and the dispute started in between them. Consequently, the complainant and others were assaulted.

3. Learned counsel for the applicants submits that, the applicants have not been named in the FIR and they are the complainant in the subsequent FIR which was lodged and numbered as 465/2016, therefore, they have been falsely implicated in this case and the dispute only arose during the gathering of one of the leaders and the applicants are in jail since 04.08.2016. It is further submitted that they themselves have received the injuries and no allegation is attributed to them for causing assault. Therefore, the counsel submits that they 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 and the documents. Perusal of the document shows that FIR was made against Abhay Baruwa, Santosh Gargh, Shiva Naidu, Anas Khan, Prafulla and Gaurav Agrawal and except Gaurav Agrawal they are not apprehended till date. Perusal of the statement of Shailendra Singh, Dilip Kumar Mishra would show that the applicants have been named that they are also the assailants. Considering the facts and circumstances and the background of this case and the way the offence has been committed and still the investigation is going on, few of the accused

though were named are still absconding, taking into totality of this case, I am not inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Balram