

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3691 of 2017

Vikas @ Vicky Agrawal, S/o. Shankarlal Agrawal, Aged About 32 Years, R/o. Pratishtha Heights, House No. 204, Rambhatha Road, Raigarh, Tahsil & District - Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Chakradhar Nagar, Raigarh, District - Raigarh, Chhattisgarh.

---- Respondent

M.CR.C. No. 4386 Of 2017

Moshin Rehman @ Pintu, S/o. Mohfisul Rehman, Aged About 29 Years, R/o. Indra Nagar, Raigarh, Police Station-Chakradhar Nagar, District -Raigarh, Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh, Through : Station House Officer, Police Station -Chakradhar Nagar, District - Raigarh, Chhattisgarh.

---- Respondent

And

M.CR.C. No. 5339 Of 2017

Deepak Sahu, S/o. Devdas Sahu, Aged About 33 Years, R/o. Bajrangpara, at Present Sindhi Colony, Chakradhar Nagar, Raigarh, District Raigarh, Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh, Through : Station House Officer, Police Station - Chakradhar Nagar, District -Raigarh, Chhattisgarh.

---- Respondent

For Applicants	: Mr. T.K. Jha, Mr. Mateen Siddiqui & Mr. Manish Upadhyay, Advocates
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer
For Objector	: Ms. Hamda Siddiqui, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/11/2017

1. All the bail applications are heard and decided together by this common order, as they are arising out of same crime number and the facts and issues involved are similar in nature.
2. These are the first bail applications 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.38/2017, registered at Police Station – Chakradhar Nagar, District – Raigarh (C.G.) for the offence punishable under Section 450, 307, 201, 120-B/34 and 459 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicant – Vikas @ Vicky Agrawal that applicant is co-brother of Amit Agrawal whose wife Kavita Agrawal is victim in this case. Applicant had been present in the house of co-brother on the date and time of incident, when two masked persons came to the house armed with knife, assaulted Kavita Agrawal and injured her. It was on his information, offence under Section 450, 307/34 of Indian Penal Code were registered against the unknown persons in Police Station – Chakradhar Nagar, District – Raigarh. Applicant has been falsely implicated in this case only on the basis of

the memorandum of his own and co-accused persons, which is of no evidentiary value. There is no evidence to make out the case against him, hence the applicant has been falsely implicated in the offence of conspiracy in this case. Therefore, it is prayed that the applicant may be enlarged on bail.

4. It is submitted on behalf of the applicant – Deepak Sahu & Moshin Rehman @ Pintu that they have been falsely implicated in this case only on the basis of memorandum statement, which is of no evidentiary value and no test identification parade has been conducted in this case, neither they have been identified, hence, it is prayed that the applicants may be enlarged on bail.
5. On the other hand, learned counsel for the State as well as learned counsel for the Objector/Complainant opposes the bail applications and the submissions made in this respect. It is submitted on behalf of the complainant/objector that there is sufficient evidence against the applicant in this case, therefore, they are not entitled for grant of bail. It is submitted that conduct of the applicant – Vikas @ Vicky in this case had been such, that he did not give help to the victim – Kavita, when she was being assaulted by knife by two masked men and also did not extend any help to take her to the hospital and get her treated, hence his involvement in this case is apparent, hence, applicants are not entitled for grant of bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per the case on 20.02.2017 at 11.00 AM in the morning, Kavita Agrawal was in her residence, when applicant Vikas @ Vicky Agrawal

came to her house and thereafter two masked persons entered in her house armed with knife and all of a sudden they started assaulting the victim by knife causing injuries, on raising alarm, applicant – Vikas @ Vicky Agrawal and other witnesses came on the spot.

8. Looking to the evidence in the investigation conducted in this case against the applicant in all three cases and further considering the fact that applicants are local resident, their availability can be ensured by imposing conditions and they are in jail since 22.03.2017 and no purpose would be served, if they are kept in custody till the conclusion of trial, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. 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 in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge