

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 661 of 2018

1. Jabbar Khan @ Javed S/o Sattar Khan, Aged About 32 Years, R/o Banki Mongra, Police Station Banki Mongra District : Korba, Chhattisgarh
2. Gaffar Khan S/o Sattar Khan, Aged About 40 Years, R/o Banki Mongra, Police Station Banki Mongra, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Banki Mongra, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Akhtar Hussain, Advocate.

For Non-applicant/State – Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 06-11-2017 in connection with Crime No. 140/2017 registered at P.S. - Banki Mongra, District Korba, Chhattisgarh for the offence under Section 327, 323, 34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 06-11-2017. Case against them is triable by JMFC. Charge sheet has been filed after completion of the investigation. It is also submitted that the complainant in this case has been examined and according to the statement given by him before the Court, the only offence that is made out against this applicant is under Section 323 of the IPC, which is a bailable offence. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that earlier, two cases under the provisions of the Cr.P.C. were

registered against applicant No.1 and against applicant No.2 one case under the provisions of the IPC and five cases under the provisions of Cr.P.C. were registered. Hence, they appear to be habitual offenders and therefore they are not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. It is alleged that on the date of incident, both the applicants stopped complainant Chhatlall and asked him for money to buy liquor. On refusal of the complainant, it is alleged that both the applicants assaulted him with hands and fists causing him injuries. Hence, this case.

6. Considering on the material present in the case diary and the fact that presently the case is before the trial Court and the trial against the applicants is likely to take some time before its conclusion, I am of this view that both the applicants should be released on bail during pendency of the trial against them.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them 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 Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge