

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 667 of 2018

1. Afsar Kadar & Ors. S/o Late Sheikh Husain Aged About 21 Years , District : Raipur, Chhattisgarh
2. Rahul @ Gopi Ahuja S/o Late Keshav Ahuja Aged About 23 Years R/o Street No. 3 Telibandha, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Kalu @ David Tandi S/o Upendranath Tandi Aged About 25 Years R/o Ganjpara, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Rajendra Yadav S/o Late Mohan Lal Yadav Aged About 23 Years R/o Street No.5, Gokul Nagar, Ramnagar, Near Disha College, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Awadh Tripathi, Advocate.
For Respondent/State	:	Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/03/2018

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.13/2018 registered at Police Station–Civil Lines, District– Raipur(C.G.) for the offence punishable under Sections 294, 323, 506, 147 & 148 of the Indian Penal Code & 25, 27 of Arms Act.

2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 4.1.2018. No case is made out against them, on the basis of the material present in the case diary. After completion of investigation, charge-sheet has been filed. Hence, it is prayed that applicants be enlarged on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that all the applicants are history sheeter and specifically applicant No.1 has been prosecuted numerous cases thus they are criminal elements, hence, they are not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. The case against these applicants is this, that on the date of incident complainant Jairam Chandani was abused, threatened and beaten by all the applicants. It is alleged that applicants were in possession of a gun and also sharp edged weapons. On the basis of the FIR lodged, the offence has been registered against them.
6. Presently charge-sheet is before the trial Court although there may be numerous cases against the applicants are pending but according to the submissions made by the counsel for applicants the applicants are on bail in all the previous cases against them they have been acquitted in some of them. Hence, at present there seems no requirement for continue detention of applicants in jail during the pendency of trial against them. For these reasons, I am of this view that they should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha