

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3541 of 2018**

Zakir Ali @ Babloo, S/o. Shri Mukkadar Ali, Aged About 42 Years, R/o-
Kalibadi, Durg, Tahsil And District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- P.S. Civil Line Raipur, District- Raipur,
Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 3882 of 2018**

1. Yaseen Ali, S/o. Shri Sarafat Ali, Aged About 32 Years,
2. Afsar Ali, S/o Shri Sarafat Ali, Aged About 30 Years,
3. Jaman Ali, S/o Shri Sarafat Ali, Aged About 25 Years,
4. Deepak Chandani, S/o. Aasudamal Chandani, Aged About 46 Years,
R/o Irani Colony Urkura Road, Daldalsivni, Police Station Vidhansabha
Raipur, District Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- P.S. Civil Line Raipur, District- Raipur,
Chhattisgarh.

---- Respondent

For Applicants	: Mr. Syed Imtiaz Ali, Advocate
For State/respondent	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/06/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
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.111/2018,

registered at Police Station – Civil Line, Raipur, District – Raipur (C.G.), for the offence punishable under Section 294, 506, 147, 148, 327 & 307/34 of the Indian Penal Code.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 31.01.2018. Charge-sheet has been filed after completion of investigation. No case is made out under Section 307 of I.P.C. against the applicants for which the applicants are being prosecuted. Therefore, the counsel prays that the applicants may also be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted the applicant – Yasin Ali (applicant No.1 in M.Cr.C. No.3882/2018) is history-sheeter having being prosecuted in five cases for the offence under the provisions of Indian Penal Code and Arms Act. Hence, he is not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, on the date of incident, the applicants demanded money from the complainant Mohd. Sirajuddin for buying liquor. The complainant refused to pay any money because of which, the applicants abused, threatened and then assaulted him with club and wooden plunk causing injuries on his head. On that basis, FIR has been lodged and the case has been registered against the applicants.

7. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, the medical report does not show any grievousness of the injury in the head of the injured complainant. Although applicant -Yasin Ali (applicant No.1 in M.Cr.C. No.3882/2018) is being prosecuted previously but he is on bail on those cases, hence, after due consideration, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge