

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4123 of 2018**

Tanveer Uddin S/o Jasimuddin (Wrongly Mentioned As Nasimuddin) Aged About 25 Years R/o Village Bishunpur, Police Station And Tahsil Ramanujnagar, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - Police Station Ramanujnagar, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4212 Of 2018**

Md. Asharaf Ali S/o Ahamad Ali Aged About 30 Years Occupation- Agriculturist Cast- Musalman R/o- Village- Bhawnrahi P.S. Chowki- Basdeai Tahsil- Bhaiyathan, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- P.S. Ramanujnagar, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri P.K. Patel and Shri A.N. Pandey, Advocates.
For the Respondent/State	:	Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.07.2018**

1. Both these applications are being decided by this common order as they arise from the similar matter. These are the first bail applications of the applicants 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.26 of 2018, registered at Police Station Ramanujnagar, District – Surajpur, Chhattisgarh for the offence punishable

under Sections 307, 353, 382, 186, 279, 337 and 379 of the Indian Penal Code and Section 33 of the Indian Forest Act.

2. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. According to the material present in the case-diary, the offence under Sections 307 and 382 of the IPC is not made out. After completion of investigation, the charge-sheet has been filed. The applicants have been falsely implicated only for the reason that the vehicle driven by Md. Asharaf Ali collided with the vehicle of a police officer. The trial of the case is likely to take some time for its final disposal. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the applicants had intention to cause death of the complainant as the applicants were trying to make their escape after stealing wood from the forest and have intentionally dashed against the complainant who was riding on a motorcycle. Hence, for these reasons, the applicants in both the cases are not entitled for grant of bail.

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

5. On the date of incident, the police personnel of P.S. Ramanujnagar were on patrolling duty. They received information that the vehicle bearing registration No. U.P. 64 H 3888 is making escape after stealing wood from the forest. When Constable - Amleshwar riding a motorcycle tried to

intercept the said vehicle, he was dashed against by the driver of vehicle. Thereafter, these applicants were apprehended on the spot.

6. Considered the material present in the case-diary. Both the applicants are local residents of District Surajpur and the conclusion of the trial is likely to take some time for its final disposal. Further, no injury was suffered by the complainant in this case because of the collision of the motorcycle with the vehicle driven by applicant – Md. Asharaf Ali. Hence, for these reasons, both the applicants are entitled for grant of regular bail.

7. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge