

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5583 of 2018

- Md. Gulfam @ Chhote S/o Peer Mohammad Aged About 34 Years R/o- Chandni Chowk Raigarh, Tahsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

&

MCRC No. 5789 of 2018

1. Md. Anish S/o Md. Peer Aged About 35 Years R/o Chandni Chowk Raigarh, Tahsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Sheikh Mohammad Shahbaz S/o Sheikh Mohammed Shamshir Aged About 26 Years R/o- Chandni Chowk Raigarh, Tahsil And District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh
3. Md. Raju @ Raz Amin S/o Md. Peer Aged About 24 Years R/o- Chandni Chowk Raigarh, Tahsil And District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants

Versus

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

---- Respondent

For Applicants	:	Mr. Sanjay Agrawal & Ms. Sharmila Singhai, Advocates.
For Respondent	:	Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/08/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are first bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.335/2018 registered at Police Station- Kotwali, District – Raigarh(C.G.) for the offence punishable under Sections 147, 148, 149, 458, 294, 506B, 323 & 307/34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against them for the offence under Section 307 of IPC in this case, as none of the injured persons have suffered any fatal injuries. Hence, it is prayed that they may be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. According to the case diary, on 30.3.2018 at about 11.30 p.m., it is alleged that these applicants along with other accused persons assaulted the complainant Shah Alam, injured Md. Haider and Begam

Dilbag with iron rods, clubs and fire arms, because of which they have suffered injuries. Hence, FIR has been lodged by Shah Alam in this case.

7. Considered on the entire material present in the case diary, on perusing the medical reports of the injured persons, it appears that there is no specific report about any fatal injuries caused to any of the injured persons that the injury would have been sufficient to cause death in due course of nature and also looking to the period of detention, no purpose would be served if the applicants are kept in detention till the conclusion of trial. For these reasons, I am of this view that this is a fit case where the applicants should be released on bail during the pendency of the case against them.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. are 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