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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1350 of 2018**

1. Shah Alam Beg S/o Late Sultan Beg Aged About 40 Years R/o Turkapara Raigarh, Tahsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Taj Kureshi S/o Late Mouinuddin Aged About 28 Years R/o Chandni Chowk, Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- City Kotwali, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicants : Shri Mateen Siddiqui, Advocate.
 For the Respondent/State : Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.11.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 334 of 2018, registered at Police Station – City Kotwali, District – Raigarh, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 294, 458, 307, 323, 506(B) of the Indian Penal Code and Section 25 and 27 of the Arms Act.

3. It is submitted by counsel for the applicants that the applicants are innocent and have been falsely implicated in this case. No case is made out against the applicants. In fact the complainant party had been the aggressor who had come in front of the house of co-accused – Babu Khan and were assaulting him, then these applicants went to the spot to intervene and pacify. In the said incident the applicants were also assaulted because of which, they also suffered injuries and the counter FIR was also lodged by the applicants' side against the complainant. On the basis of which, Crime No.335 of 2018 has been registered against complainants – Mohd. Anish and Others, for the offences under Sections 147, 148, 294, 458, 307, 323 and 506 of the Indian Penal Code and Sections 25 and 27 of the Arms Act. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the names of both the applicants finds mention in the FIR lodged by Mohd. Raju. Looking to the evidence present regarding their involvement, the applicants are not entitled for grant of anticipatory bail.

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

6. It is alleged that on 30.3.2018 at about 11:30 pm, co-accused – Babu Khan and others including these applicants assaulted and injured Mohd. Raju, Mohd. Anis, Avesh, Gulfan and Shahbaaz using wooden butt of the gun, clubs and rods regarding which, the FIR has been lodged.

7. Considering the entire material present in the case-diary and also the fact that there is a similar counter case against the complainant party and for the reason that these applicants do not appear as main assailants in this case and also there is no grievous and fatal injury reported by the examining doctor to the injured persons, I feel inclined to grant anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge