

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7257 of 2018

- Babu Khan @ Farukh Mohammad S/o Fakir Mohammad Aged About 22 Years R/o In Front Of Maszid, Moudhapara, Police Station- Moudahapara, Tehsil And District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Moudhapara, District- Raipur, Chhattisgarh.

---- Respondent

AND

MCRC No. 8101 of 2018

- Monu @ Jishan Ali S/o Fajal Ali Aged About 22 Years R/o Maudahapara, Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Maudahapara, Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant (in MCRC 7257/2018) : Mr. Kishore Narayan, Advocate
For Applicant (in MCRC 8101/2018) : Mr. CR Sahu, Advocate
For Respondent/State : Mr. Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

31/10/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these bail applications under Section

439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 153/2018 registered at Police Station-Moudhapara, Distt. Raipur (C.G.) for the offence punishable under Sections 294, 506-B, 323, 327 & 34 of the IPC and Sections 25 & 27 of the Arms Act.

3. As per prosecution story, on 04-08-2018 complainant Dilip Kumar Sahu lodged a report, wherein it was alleged that on 04.08.2018, when he was closing his shop, at that time present Applicants along with co-accused person Hussain came there and demanded money for purchasing alcohol from the complainant and when he refused they started abusing and assaulted him. It was further alleged that a knife was also found in possession with Applicant Monu @ Jishan Ali (MCRC No. 8101/2018). On the basis of said complainant, offence has been registered and the applicants have been taken on custody on 05.08.2018.
4. Learned Counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the present case. They further submit that the applicants have no criminal antecedents, they are in custody since 05/08/2018, charge-sheet has already been filed and trial will take some time to conclude, therefore, they may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, the

evidence collected by the prosecution and further considering the fact that the applicants have no criminal antecedents, they are in custody since 05.08.2018, offence is triable by Judicial Magistrate First Class, charge-sheet has already been filed and trial will likely to take some time to conclude, without further commenting on merits of the case, I am inclined to release the applicants on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge