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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A). No. 963 of 2017**

- Jalaluddin S/o Shri Rajiyuddin, Aged About 32 Years R/o Village Kamhariya, Tahsil Maudaha And Police Station Maudaha, District Hamirpur, Uttar Pradesh, Uttar Pradesh
- Ajimuddin, S/o Shri Rajiyuddin, Aged About 30 Years R/o Village Kamhariya, Tahsil Maudaha, Police Station Maudaha, District Hamirpur, Uttar Pradesh., District : Hamirpur, Uttar Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through Officer- In- Charge, Police Station G. R. P. Bilaspur, District Jashpur, Chhattisgarh., Chhattisgarh

---- Respondent

For the Applicants : Shri Kishore Bhaduri, Advocate.

For the Respondent/State : Shri Anant Bajpai, PL.

For the Objector : Ms. Rashi Tiwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board**06.02.2018**

1. Apprehending arrest in connection with Crime No.62/2011, registered at Police Station – G.R.P. Bilaspur, District –Bilaspur, (C.G.), for offences punishable under Section 392, 323, 394/34 of the Indian

Penal Code, the applicants has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicants, that applicants have been falsely implicated in this case. The complainant - (Kabir Ahmad) has lodged false FIR, in which the witnesses are Imran and Wali, against whom, applicant No.1 has lodged FIR regarding commission of offence. There are almost 30 cases registered against the present complainant- (Kabir Ahmad) in various police stations. Applicant No.1 has submitted representations before various authorities. The applicants are ready to abide by all the conditions which may be imposed while granting anticipatory bail to the applicants, hence, they pray for grant of anticipatory bail.
3. Learned counsel for the State opposes the bail application and submits, that both the applicants are habitual offenders. They are absconding and not co-operating with the investigation. Further it is submitted that the documents submitted alongwith the application cannot be looked into as they are not the part of the charge-sheet, hence, the applicants are not entitled for grant of anticipatory bail.
4. Learned counsel for the objector submits, that both the applicants have criminal record in Uttar Pradesh and they are being prosecuted for serious crime. A report can be called in this respect. In case the anticipatory bail is granted to the applicants, the applicants will harass the complainant and others and life of complainant shall be in peril, hence, it is prayed that the anticipatory bail application the applicants be rejected.

5. Heard counsel for both the parties and perused the case diary.
6. As the case of complainant (Kabir Ahmad) that he was traveling in Betwa express on 06.07.2011 at 6 : 55 AM. Both the applicants assaulted and threatened the complainant and looted two ATM cards, cash Rs. 2,200/- and one bag of value 3500 /- from him. After completion of investigation the charge-sheet has been filed which shows that both the applicants are absconder.
7. Considered, as there is direct allegation against the present applicants. There are eye-witnesses in this case. The veracity and truthfulness of the eye-witnesses is not to be determined at the stage of deciding the anticipatory bail application, for this reason, this Court is of the opinion that no case is made out for grant of anticipatory bail, hence, the anticipatory bail application is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge