

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 149 of 2019**

1. Azam Beg, S/o. Late Shri Sultan Beg, Aged About 35 Years, R/o. Turkapara Raigarh, tahsil and District Raigarh Chhattisgarh.
2. Haider Khan, S/o. Sher Hasim Khan, Aged About 28 Years, R/o. Dhobi Para Chandni Chowk Raigarh, District Raigarh Chhattisgarh.

----Applicants**Versus**

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

---- Respondent

For Applicants	: Mr. Mateen Siddiqui, Advocate
For Respondent/State	: Mr. Rahim Ubawani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/02/2019**

1. Apprehending arrest in connection with Crime No.334/2018, registered at Police Station – City Kotwali, District – Raigarh (C.G.) for offence punishable under Section 147, 148, 149, 294, 307, 323, 506 (B) of the Indian Penal Code and Section 25 & 27 of the Arms Act, the applicants have preferred this second bail application for grant of anticipatory bail. Earlier bail application of the applicants bearing M.Cr.C. No.1628/2018 was rejected on merits vide order dated 07.01.2019.
2. At the very outset, learned counsel for the applicants seeks permission of this Court to withdraw the bail application in respect

of the applicant No.2- Haider Khan. Accordingly, the bail application in respect of the applicant No.-2 Haider Khan is dismissed as withdrawn.

3. It is submitted by the learned counsel for the applicant No.1, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant has been implicated by the complainant party because the complainant and his brother are engaged in illegal activities, which is being opposed by this applicant – Ajam Beg. The applicant No.-1 himself suffered one blow on his head at the time incident and therefore, he was not in a position to affect any blow on the other party and also the family of the applicant No.1 is receiving threats on face-book and whatsapp social media networking sites. The applicant had also made a complaint against the brother of the complainant Mohd. Avesh vide Annexure A-7. Co-accused persons namely Shah Alam Beg and Taju Kureshi have been granted anticipatory bail by this Court. This applicant has no previous criminal records. Therefore, it is prayed that the applicant No.1 may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that earlier application filed by this applicant has been rejected on merits and the second bail application is based on merits, therefore, it is not maintainable.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

6. Considered on the submissions made by the both the parties. Co-accused Shah Alam Beg and Taju Qureshi have been granted anticipatory bail by this Court had a different case compared to the applicant No.1. Name of the applicant No.1 has appeared as assailant in the evidence present in the case diary because of which his earlier application has been rejected, therefore, I do not find any change in circumstances or any extra ordinary situation for grant of anticipatory bail to the applicant No.1.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. in respect of the applicant No.1 is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram