

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1653 of 2019

1. Afsar Ali, S/o Sarafat Ali, Aged About 34 Years R/o B. S. U. P. Colony, Saddu, Police Station Vidhan Sabha, District Raipur, Chhattisgarh.
2. Tarun Jagat S/o Shrichand Jagat, Aged About 20 Years R/o B. S. U. P. Colony, Saddu, Police Station Vidhan Sabha, District Raipur, Chhattisgarh.
3. Avinash Todekar S/o Vinod Todekar Aged About 23 Years R/o B. S. U. P. Colony, Saddu, Police Station Vidhan Sabha, District Raipur, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Vidhan Sabha, District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Shri Syed Imtiaz Ali, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

27/03/2019

1. The Applicant have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 437/2018, registered at Police Station Vidhan Sabha, District – Raipur, Chhattisgarh, for the offence punishable under Sections 452, 294, 323, 506, 147, 148, 427/34 of IPC.

2. In this case, there are total four accused persons. As per prosecution story, on 10.12.2018, Complainant Ratnesh Kumar lodged a report wherein it was stated that at about 8:00 pm, present Applicants alongwith other co-accused persons entered the house of the Complainant and abused him in filthy language. They also thrown out the household articles, damaged his motorcycle, threatened and assaulted him with knife. On the basis of said report, offence has been registered. Applicants have been taken into custody on 03.01.2019.
3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case due to some dispute. He further submits that charge-sheet has been filed. Applicants are in custody since 03.01.2019 and trial is likely to take some time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that Applicants are habitual offender and there are previous antecedents of total 20 cases against Applicant No. 01 namely Afsar Ali and four cases against Applicant No. 03 namely Avinash Todekar.
5. However, Counsel for the Applicants submits that Applicant No. 01 has already been acquitted from most of the cases. He further submits that at present, Applicant No. 01 is seriously ill and for which medical operation is required.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant are in custody since 03.01.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail application is allowed.

9. It is directed that the Applicant shall be released on bail on each of them executing a personal bond for a sum of Rs. 50,000/- with two solvent surety each of Rs. 25,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash