

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1993 of 2019

Premchand Choudhary, S/o. Bhupendra Choudhary, Aged About 43 Years,
R/o. Aakagora, Post Office and Police Station Barahat, District Banka, Bihar.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
-Champa, District Janjgir Champa Chhattisgarh.

---- Respondent

AND

M.CR.C. No. 2170 of 2019

Muharram Ali @ Khustar Rabbani, S/o. Late Razzak Ahmad, Aged About 38
Years, Caste -Muslim, R/o. Village P. H. Road, Korba, Near Jama Masjid,
Tehsil and Police Station Korba, District Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Champa, District Jangir Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate
(in M.Cr.C. No.1993/2019)

For Applicant : Mr. Surfaraj Khan, Advocate
(in M.Cr.C. No.2170/2019)

For State/respondent : Mr. Aadil Minhaz, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/05/2019

1. The bail application bearing M.Cr.C. No.1993/2019 is the third bail application and the M.Cr.C. No.2170/2019 is the fourth bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.345/2017, registered at Police Station –

Champa (wrongly mentioned in order sheet Dabhra), District – Janjgir-Champa (C.G.), for the offence punishable under Section 395, 397, 34 of the Indian Penal Code and Section 25/27 of Arms Act.

2. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants for commission of offence as alleged against them. The change in circumstances that has taken place in this case is this that material witnesses of the case have been examined, who have not clearly identified the applicants as one of the persons engaged in commission of offence. Apart from that the witnesses of memorandum and seizure have also not supported the prosecution case and have been declared hostile by the prosecution. Therefore, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that trial against the applicants is still pending and proof and other circumstances may be brought by the prosecution. Further the applicant Muharram Ali @ Khustar Rabbani was in possession of huge amount and country made pistol. Therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Considered on the submissions made and the contents of the case diary. After perusing the certified copy of the deposition of the witnesses that have been filed along with the M.Cr.C. No.2170/2019, I am of this opinion that there is change in circumstances in favour of

the applicants, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

6. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.
7. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge