

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1940 of 2019**

Mohammad Toufique S/o Farukh Aged About 36 Years R/o Village Gariyaband, Police Station Gariyaband, District - Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station Police Station Gariyaband, District - Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh .

---- Respondent

For the Applicant	:	Shri UKS Chandel, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**04/04/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.36/2019 registered at Police Station Gariyaband, District Gariyaband (C.G.) for the offence punishable under Sections 153-A, 294, 506, 323, 295(A), 298, 34 of IPC and Section 25 & 27 of Arms Act.
3. Case of the prosecution, in brief is that vegetable shop of complainant Purushottam Sinha is adjacent to the chicken shop of applicant and his brother Mousin at Gariyaband. On 23/02/2019 at about 08.45 a.m. co-accused Mousin put the blood, intestine and flush of chicken in front of the shop of complainant and spread. He and co-accused Mousin abused him beat him by hands, fists and butcher knife. Co-accused Gaffu Meman also reached there abused him. Applicant and co-accused spoken some words to insult the religion of complainant, to promote disharmony of feeling of enmity hatred or ill will on the ground of religion of applicant between different religious. As per the MLC report of complainant abrasion pain were found on his body.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if the applicant furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Kamde