

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 664 of 2019

- Kallu Khan S/o Aaftab Khan Aged About 30 Years R/o Hemu Nagar, P.S. Torva, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Thana Prabhari Aarashi Kendra Torwa, District- Bilaspur, Chhattisgarh

---- Non-Applicant

MCRC No. 2585 of 2019

1. Monti Khan S/o Aaftab Khan Aged About 24 Years R/o Talapara, Thana Civil Line District Bilaspur Chhattisgarh.
2. Abo @ Alauddin S/o Aaftab Khan Aged About 35 Years R/o Hemunagar, Thana Torva District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thanaprabhari Aarakshi Kendra Torva, District Bilaspur Chhattisgarh.

---- Non-Applicant

MCRC No. 3302 of 2019

1. Amarjit @ Bade S/o Lalji Sonkar Aged About 28 Years R/o Sirgitti Thana - Sirgitti District Bilaspur Chhattisgarh.
2. Sujit S/o Lalji Sonkar Aged About 19 Years R/o Sirgitti Thana - Sirgitti District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Prabhari Aarakshi Kendra Torwa, District Bilaspur Chhattisgarh.

---- Non-Applicant

For Applicants : Shri Abdul Wahab Khan, Advocate.
For Respondent/State : Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/05/2019 :

1. The aforesaid MCrCs are being disposed of by this common order as they are arising out of Crime No.3/2019, registered in Police Station Torwa, Bilaspur for offence under Sections 307, 294, 506-B, 323, 147, 148 & 149 of the IPC and under Sections 25/27 of the Arms Act.
2. Case of the prosecution, in brief, is that the applicants with the common objected assaulted one Sanju Kesari by sword and baseball bat, as a result the complainant suffered simple injuries.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have been falsely implicated. Applicants Monti Khan and Abo @ Alauddin are in jail since 12.3.2019 and applicants Amarjeet @ Bade & Sujeet are in jail since 23.1.2019, and charge sheet has been filed. So far as applicant Kallu Khan is concerned, learned counsel would submit that injuries are simple in nature and allegations are not serious, therefore, he may be released on anticipatory bail.

4. Learned State Counsel would submit that considering the nature of injuries and the manner in which they have assaulted, the present applicants do not deserve to be released on bail.
5. I have heard learned counsel for the parties and considered their submissions and gone through the record.
6. Taking into consideration the gravity of offence and the nature of injuries suffered by the complainant, pre-trial detention period of the applicants, charge sheet has been filed, I am of the opinion that present is a fit case in which applicants Monti Khan, Abo @ Alauddin, Amarjeet @ Bade and Sujeet deserve to be released on bail. Accordingly, the applications {MCRC Nos.2585/2019 & 3302/2019} preferred by the above applicants are allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs. 25,000/- with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.
7. However, considering the facts and circumstances of the case and the gravity of offence, I am not inclined to release the applicant namely Kallu Khan on anticipatory bail. Accordingly, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Vacation Judge

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