

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3799 of 2019**

- Naushad Khan S/o Ramjan Khan Aged About 36 Years R/o Village - Karhikachhar, Out Post - Belgahna, Police Station - Kota, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post - Belgahna, Police Station Kota, District Bilaspur Chhattisgarh

---- Non Applicant

MCRC No. 3925 of 2019

- Aanand Pathak S/o Late Shri Sureet Pathak Aged About 30 Years R/o Village Karhikachhar, Out Post- Belgahna, Police Station- Kota, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post- Belgahna, Police Station- Kota, District- Bilaspur, Chhattisgarh

----Non Applicant

For the Applicants : Mr. Umesh Verma, Advocate

For Non Applicant : Mr. Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.06.2019**

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.247/2019 registered at Police Station- Kota, Out Post- Belgahna, District- Bilaspur (C.G.) for the offence punishable under Sections 294, 323, 506-B, 327, 34 of the Indian Penal Code.
4. Case of the prosecution, in brief is that on 21.05.2019 at about 08:30 pm at Karhikachhar, Indira Awas, Belgahna complainant Suryakant Prasad was seating in his grocery shop. Applicants and co-accused Piyush Nigam reached near said complainant and told him that in a theft case FIR has been lodged against him along with Badal. Applicants told him that co-accused Piyush Nigam is the Officer of crime branch if he arranges Rs.10,000/- then his name will be struck off from the FIR. Applicants and co-accused Piyush Nigam beat him, abused him and gave threats to kill him. Applicants and co-accused Piyush Nigam told him to arrange Rs.10,000/-.
5. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that 7 other criminal cases, out of which 4 under IPC, 2 under CrPC and 1 under Gambling Act have been registered against applicant Naushad Khan. No

criminal antecedent has been reported in police case diary against applicant No.2 Aanand Pathak.

7. Counsel for the applicant further submits that applicant Naushad Khan has been acquitted from all 7 criminal cases.
8. Earlier, this Court has granted the bail to co-accused Piyush Nigam on 18.06.2019 in MCRC No.3747/2019.
9. The case of applicant Naushad Khan is different from the case of co-accused Piyush Nigam who has been granted bail by this Court.
10. Looking to the above mentioned facts and circumstances of the case, looking to this fact that 7 other criminal cases have been registered against the applicant Naushad Khan, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society. **The bail application of Naushad Khan is rejected.**
11. Looking to the above mentioned facts and circumstances of the case, looking to the case of applicant Aanand Pathak is not more severe to that of co-accused Piyush Nigam who has been released on bail by this Court. **The bail application of Aanand Pathak is allowed.** It is directed that if applicant Aanand Pathak furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court with the condition that he will appear before the trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
12. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Parul