

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6364 of 2019**

1. Mohd. Ashraf Hussain, S/o Shri Mohd. Anwar Hussain Aged About 23 Years R/o Behind Nutan School. P. S. Tikrapara, Raipur District Raipur CG
2. Mohd. Mustakeem S/o Shri Mohd. Sharif @ Saleem Aged About 26 Years R/o Near Marwadi Samshanghat, Veerbadhra Nagar, Raipur District Raipur CG

---- Applicants

Versus

State of Chhattisgarh through Police Station City Kotwali, District Raipur CG

---- Respondent

MCRC No. 6452 of 2019

Monika Sachdev W/o Mohd. Ziaul Haque Aged About 30 Years R/o Rawatpura Colony, Bhatagaon, Police Station Tikrapara, Raipur, District Raipur CG

---- Applicant

Versus

State of Chhattisgarh through Police Station City Kotwali, District Raipur CG

---- Respondents

For applicants	Mr. Syed Imtiyaz Ali, Adv.
For Respondent/State	Mr. Pradeep Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21-10-2019**

1. A date wise brief report is received from the concerned trial Court.
2. As both the above bail applications arise out of same crime number of same police station, they are being disposed of by this common order.
3. MCRC No. 6364/2019 is 3rd bail application preferred by the its applicants. Their first bail application was dismissed by this Court vide order dated 1-2-2019 passed in MCRC No. 303/2019. Their second bail application was dismissed by this Court vide order dated 19-7-2019 passed in MCRC No. 4461/2019.
4. MCRC No. 6452/2019 is 2nd bail application preferred by its applicant. Her first bail application was dismissed by this Court vide order dated 19-7-2019 passed in MCRC No. 44752019.
5. The applicants have been arrested in connection with Crime No.

365/2018 registered in police station City Kotwali, Raipur (CG) for offence punishable under Section 294, 327, 386, 506(B), 34 of IPC and Section 25 and 27 of the Arms Act.

6. Perused the case diary.
7. Prosecution story in brief is that on 28-10-2018 at about 10.30 pm near Kalibadi Chowk, Raipur, applicants Mohd. Ashraf Hussain and Mohd. Mustkeem reached near complainant Arvind Gupta and said that the cash demanded by applicant Monika had not been given yet. Monika had demanded Rs. 5 lacs from the complainant. Said complainant replied that he has no money. Then applicants Mohd. Ashraf and Mohd. Mustkeem caused him knife blow. In trying to save himself, complainant received injury. As per MLC report of the complainant, one incised wound was found on his right thigh.
8. Counsel for the applicants argued that the applicants are innocent and falsely implicated. They are in jail since 29-10-2018. On 19-7-2019 the trial Court was directed to dispose of trial as early as possible preferably within a period of 45 days, but the trial is not yet concluded. Therefore, they may be released on bail.
9. As per report of concerned JMFC concerned, only one prosecution witness Dr. N.D. Sahu is remained to be examined. The case is already fixed for his evidence on 23-10-2019. The trial may be concluded soon. If the trial is not concluded within the stipulated time, that itself does not make the applicants entitled for grant of bail.
10. Looking to the above mentioned facts and circumstances of the case, these bail applications are rejected.
11. The trial Court is directed to expedite the trial and conclude it at the earliest.
12. It is noticed that as per direction of this Court vide order dated 19-7-2019, the trial Court was directed to dispose of the trial within a period of 45 days. However, neither the trial is disposed of within 45 days nor any extension is sought by the trial Court from this Court. Therefore, the concerned trial Judge is directed to submit his report in this regard.

Sd/-
(Sharad Kumar Gupta)
Judge