

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8528 of 2018

1. Afroz Alam S/o Jamal Ansari Aged About 26 Years R/o Village Lakrakhonda, Post Charakmara, P. S. Sarath, District Devghar Jharkhand
2. Muslim Anasari S/o Asgar Ansari Aged About 30 Years R/o Village Lakrakhonda, Post Charakmara, P. S. Sarath, District Devghar Jharkhand

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Arang, District Raipur Chhattisgarh

---- Respondent

AND

MCRC No. 8770 of 2018

- Aftab Alam S/o Shoaib Alam Aged About 26 Years R/o- Village Barmasiya, P.S. Sarath, District- Devghar (Jharkhand)

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station- Arang, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants (In MCRC No. 8528/2018): Mr. N. Naha Roy, Advocate.
For Applicant (In MCRC No. 8770/2018): Mr. N. Naha Roy, Advocate.
For Respondent/State : Mr. Alok Nigam, GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/01/2019

1. Since all the cases arise out of same crime number, therefore, they are being disposed of by this common order.

2. The applicants have preferred these first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 56/2018, registered at Police Station – Arang, District- Raipur (C.G.) for the offence punishable under Sections 365, 397, 506, 201 & 34 of the IPC and Section 25 & 27 of the Arms Act.
3. As per the prosecution story, on 29.01.2018, complainant Sajid Ansari lodged a report wherein it has been alleged that on 09.12.2017, two unknown persons booked a car of the complainant and went to village Rasni, from there, two more persons joined them, thereafter they all undertook the car in their possession pointing the gun to the complainant, looted his mobile, threatened him and tied him to the tree. Thereafter, on the next morning they opened the complainant left his car, mobile phone and fled away from the spot. On the basis of above, offence has been registered. During course of investigation the applicants are arrested in connection with crime no. 54/2018 for the offence punishable under Section 399 read with 402 and Section 25 & 27 of the Arms Act. Thereafter, in the present case test identification parade has been conducted and the complainant identified the applicants. The applicants are in custody since 29.01.2018.
4. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that the complainant has already examined before the Trial Court and not supported the case of the prosecution and turned hostile. The applicants are in custody since 29.01.2018 and trial will take some time. Therefore, the applicants may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned Counsel for the parties and perused the case diary with due care.

7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the complainant has already examined before the Trial Court and not supported the case of the prosecution and turned hostile. The applicants are in custody since 29.01.2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge