

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8001 of 2018

- Yasin Khan @ Sheru S/o Nasir Khan Aged About 23 Years R/o Afroz Bag Badi, Near House Of Annuhazi Post Office Raipur, Police Station Moudhapara, Raipur, Tahsil And District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Moudhapara, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

AND

MCRC No. 8425 of 2018

- Deepak Bablani @ Babbu S/o Mansukh Bablani Aged About 21 Years R/o Gali No. 7, Shatabdi Nagar, Police Station Telibandha, Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Maudahapara, Raipur (Wrongly Mentioned In Impugned Order As Mahasamund), District - Raipur, Chhattisgarh.

---- Respondent

AND

MCRC No. 8999 of 2018

- Hafizuddin S/o Hamiduddin Aged About 21 Years R/o Afroz Badi, Maudahapara, Raipur, Police Station- Maudahapara, Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Maudahapara, Raipur, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 8001/2018): Mr. Shivendu Pandya, Advocate.
For Applicant (In MCRC No. 8425/2018): Mr. Atanu Ghosh, Advocate.
For Applicant (In MCRC No. 8999/2018): Mr. Atanu Ghosh, Advocate
For Respondent/State : Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

30/01/2019

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. 120/2018, registered at Police Station – Moudhapara, District- Raipur (C.G.) for the offence punishable under Sections 307, 341, 294, 323/34 of the IPC and Section 25/27 of the Arms Act.
3. As per the prosecution story, on 01.06.2018 at about 21:15, near the Sweeper Moholla, Raipur (C.G.) when the complainant namely Vinay along with his friends were sitting outside of his house, allegedly present applicants came there and assaulted the complainant by way of hands and fist on account of old dispute between the parties. Allegedly at the same time applicant Hafizuddin (MCRC No. 8999/2018) fired a bullet from the pistol (Katta) but the same did not hit the complainant. Thereafter, all the applicants ran away from the spot and the matter was reported. On the basis of above, offence has been registered. The applicants are in custody since 02.06.2018.
4. Learned Counsel appearing on behalf of the applicants submits that due to previous enmity a false report has been lodged against the present applicants. On the basis of evidence available on record, *prima facie* no offence under Section 307 of the IPC can be made out against the present applicants. He further submits that at the time of incident complainant has also fired bullet from the pistol, regarding

this, applicants have also lodged a report. The applicants are in custody since 02.06.2018, charge-sheet has already been filed 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 applicants are in custody since 02.06.2018, charge-sheet has already been filed 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. 20,000/- 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