

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5411 of 2020

1. Hasmat Ullah Khan S/o Bulla Khan Aged About 61 Years, Occu-Agriculture, R/o Ward No. 9 Kalyanpur (Near Anganbadi) P.S.- Kotma, District- Annupur (M.P.) Presently R/o Village Jori (Bilhama) P.S.- Dhourpur, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
2. Neyamat Ali Ansari S/o Mohd. Ullah Khan Aged About 56 Years, R/o Village Jori (Bilhama) P.S.-Dhourpur, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through Station House Officer, P.S.- Dhourpur, District - Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

MCRC No. 5464 of 2020

1. Arbaj Khan S/o Neyamatali Ansari Aged About 28 Years, R/o Village Jori (Bilhama) P.S. Dhourpur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Kamar Ahmed S/o Jahiruddin Aged About 33 Years, R/o Village Jori (Bilhama) P.S. Dhourpur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. Indrajeet Sharma S/o Ramsharan Sharma Aged About 34 Years, R/o Village Jori (Bilhama) P.S. Dhourpur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through Station House Officer, P.S. Dhourpur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicants –Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Dinesh Tiwari, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-10-2020

1. As both these applications arise out of the same crime number, i.e., Crime No.28/2020 registered at Police Station Dhourpur, District Surguja, Chhattisgarh, they are being decided by this common order.
2. MCRC No.5411/2020 has been filed under Section 439 of the Cr.P.C. by

applicants Hasmat Ullah Khan and Neyamat Ali Ansari for grant of regular bail as they have been arrested on 27-07-2020 in connection with aforesaid crime number for offence under Section 294, 506, 323, 307, 34 of the IPC. MCRC No.5464/2020 has been filed under Section 439 of the Cr.P.C. by applicants Arbaj Khan, Kamar Ahmed and Indrajeet Sharma for grant of regular bail as they have been arrested on 07-07-2020 in connection with aforesaid crime number for offence under Section 294, 506 B, 323, 307, 34 of the IPC.

3. It is submitted by learned counsel for the applicants in MCRC No.5411/2020 that these applicants have been falsely implicated in this case. All the allegations of the complainant and witnesses are mainly against the co-accused, these applicants were simply present on the spot and they have not participated in the said incident. It is further submitted that offence under Section 307 of the IPC is not at all made out according to the facts of the case itself. Therefore, it is prayed that these applicants be granted bail.

4. It is submitted by learned counsel for the applicants in MCRC No.5464/2020 that the FIR lodged is false and concocted making exaggerated statement. Offence under Section 307 of the IPC is not at all made out in this case. They are in jail since 07-07-2020. Therefore, it is prayed that these applicants be granted bail.

5. Learned counsel for non-applicant/State opposes the applications filed by the applicants and submits that looking to the facts present against these applicants, they are not entitled for grant of bail.

6. Heard learned counsel for the parties and perused the documents.

7. As per the prosecution case, on the date of incident main accused Arbaj Khan thrashed the victims namely Amar Sai and Asha with club and rod causing various injuries to them. The allegation against other applicants is this that they were also present and they have participated in the incident.

8. After considering on the submissions and looking to the nature of the

injury that was caused to the victims who have been discharged from the hospital only after three days, I feel inclined to allow both these applications.

9. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge