

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7179 of 2020**

Mohammed Salim Khan, S/o. Shri Muslim Qadri, aged about 19 years, R/o. Mayapur, Ambikapur, Police Station Ambikapur, District - Surguja Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Officer Incharge Of Police Station - Ambikapur, District - Surguja Chhattisgarh.

---- Respondent

For Applicant : Mr. Palash Agrawal, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/11/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.486/2020, registered at Police Station – Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 307, 147, 148, 149, 188, 120-B of the Indian Penal Code and Section 25 and 27 of the Arms Act, 1959.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case

diary. As per the case, the applicant is not the main accused and secondly, the applicant was not named in the FIR. He has been falsely implicated only on the basis of statement given on memorandum by other co-accused persons. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant himself has given statement on memorandum, which supports the prosecution case, therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on the date and time of incident this applicant and two other accused persons armed with clubs, swords, iron rods and knife formed unlawful assembly and then assaulted the complainant – Ajay Vishwakarma and two others causing injuries to them, regarding which, FIR has been lodged.
6. Considered the submissions made. Considering the facts and circumstances of the case and further taking into consideration the fact that recovery of only one club has been made from the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Arun