

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7095 of 2019**

1. Vikki @ Abdul Jarjeesh, aged 25 years, S/o Late Abdul Aziz, R/o Bayron Bazaar, Fawwara Chowk, Raipur, Tah. & Dist. Raipur (C.G.)
2. Ahmed Raza @ Raja, aged 24 years, S/o Late Abdul Aziz, R/o Bayron Bazaar, Fawwara Chowk, Raipur, Tah. & District Raipur.

---- Applicants**Versus**

- State of Chhattisgarh Through : P.S. City Kotwali, Raipur, District Raipur (C.G.)

---- Respondent

For Applicants	:	Shri Devershi Thakur, Advocate
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****08/01/2020**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.448/2019, registered at Police Station - City Kotwali, Raipur (C.G.) for the offence punishable under Sections 294, 506-B, 323, 307 and 34 IPC.
2. The prosecution story, in brief, is that the applicants first made a report in police station against Zia-ul-Haq and others stating therein that the Zia-ul-Haq is a man of criminal nature and always demands extortion money, on the basis of which, offence under Sections 294, 506, 323, 34 was registered against them. When Zia-ul-Haq came to know about the complaint, he threatened the applicants for dire consequences. Further case is that on 24.09.2019 at about 11.30 pm, Abdul Jarjish called Zia-ul-Haq near Fawwara

Chowk for taking money and when he reached there, the applicants assaulted him with knife, rod and sword as a result of which Zia-ul-Haq sustained injuries on his left thigh. Based on this, offence has been registered. The present applicants have been taken into custody on 26.09.2019.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. The complainant sustained injury on his left thigh but the nature of injury has not been mentioned in the medical report. He further submits that the applicants are in custody since 26.09.2019 and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. He submits that the applicants have used deadly weapon like rod, knife and sword in the crime in question.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, injury sustained by the complainant and further considering the fact that the applicants are in custody since 26.09.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge