

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 823 of 2021

- Mustafa Khan S/o Hirasat Khan Aged About 23 Years Resident Of Ward No. 17, Dharsinwa, Police Station Dharsinwa, District Raipur Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharsinwa, District Raipur Chhattisgarh.

---- Non-Applicant/State

MCRC No. 832 of 2021

- Mohammd Vahid S/o Mohammd Ismael Aged About 36 Years R/o Village- Ward No. 01, Dharsiva, Police Station- Dharsiva, District- Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Non-Applicant/State

MCRC No. 740 of 2021

- Abbas Khan S/o Husain Khan Aged About 25 Years R/o Village Ward No. 10, Dharsiva, Police Station Dharsiva, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharsiva, District Raipur Chhattisgarh

---- Non-Applicant/State

MCRC No. 757 of 2021

- Mohammd Husain Khan S/o Shabbir Khan Aged About 45 Years R/o Village-Tahsil Dharsiva, Police Station Dharsiva, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharsiva, District Raipur, Chhattisgarh.

---- Non-Applicant/State

For Applicants	:	Shri Krishna Kant Dewangan, Shri Tarun Dansena, Advocates
For Non-Applicant/State	:	Smt. Shubha Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15.02.2021

- 1) As all the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
- 2) Learned counsel for the applicant seeks to withdraw the bail application filed on behalf of applicant Mohammad Vahid in MCRC No. 832 of 2021.
- 3) Learned State counsel submits that there are as many as six criminal cases pending against the applicant Mohammad Vahib. In the present case, grievous injury was caused by this applicant to the victim.
- 4) Accordingly, the bail application filed on behalf of Mohammad Vahid in MCRC No. 832 of 2021 is dismissed as withdrawn.
- 5) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 11.10.2020 in connection with Crime No. 438/2020 registered at Police Station- Dharsiva, District- Raipur for the offence punishable under Section 294, 323, 506, 147, 148, 149, 307 of IPC and Section 25, 27 of Arms Act.
- 6) Case of the prosecution, in brief, is that on 11.10.2020 in front of house of Suresh Pandey in Dharsiva Bhattha due to old enmity and property dispute, having common intention by using filthy

language and by giving threat to life the present applicants assaulted the Suresh Pandey, Naresh Pandey, Gitesh Pandey, Keshav Sahu, Ravi Shankar Sahu and others with sharp weapon knife. On report being lodged to the above effect offence under the aforesaid Sections have been registered against the accused persons.

- 7) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question, they have not committed any offence. Learned counsel for the applicants further submit that the applicants have no criminal antecedents except applicant Mohammad Vahid and the applicants have been arrested on 11.10.2020, similarly situated co-accused persons have already granted bail by the co-ordinate Bench of this Court vide order dated 20.01.2021 in MCRC Nos. 8363 of 2020, 8853 of 2020, 9016 of 2020, 9205 of 2020, 9311 of 2020 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 8) On the other hand, learned counsel for the Non-applicant/State opposes the bail application, however, she submits that the applicants have no criminal antecedents except applicant Mohammad Vahid. She further submits that the other co-accused persons namely Sohail Ahmed @ Sohail Khan, Motu Khan @ Abdul Madshir Khan and Nirja Qureshi are absconded.
- 9) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of injuries, the manner in which the offence committed by the applicants, considering the detention period of the applicants and the fact that similarly situated co-accused persons have already granted bail by the co-ordinate Bench of this Court, applicants have no criminal antecedents except applicant Mohammad Vahid as admitted by both the counsels and conclusion of trial may take some time, without commenting on merits of the case the bail applications filed by the applicants namely Mustafa Khan, Abbas Khan, Mohammad Hussain Khan are allowed.

10) It is directed that in the event the applicants namely Mustafa Khan, Abbas Khan and Mohammad Hussain Khan executing a personal bond for a sum of Rs. 50,000/- with two sureties of Rs 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- (a) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such fact to the Court.
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

In the results:

- **MCRC No. 832 of 2021** is dismissed as withdrawn.
- **MCRC Nos. 823 of 2021, 740 of 2021 & 757 of 2021** are allowed.

**Sd/-
(Gautam Chourdiya)
Judge**