

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 694 of 2021**

- Sahmuddin @ Raja Qureshi S/o Saleem Qureshi Aged About 19 Years R/o Titurdih, Durg, Thana Mohan Nagar, District Durg Chhattisgarh., District : Durg, Chhattisgarh
- Shekh Sameer S/o Late Shekh Bilal Aged About 19 Years R/o Titurdih, Durg, Thana Mohan Nagar, District Durg Chhattisgarh., District : Durg, Chhattisgarh

**---- Applicants**

**Versus**

- The State Of Chhattisgarh Through Police Station Dongargarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

**---- Non-Applicant**

---

|                         |   |                            |
|-------------------------|---|----------------------------|
| For Applicants          | : | Shri Samir Singh, Advocate |
| For Non-Applicant/State | : | Shri Ajay Kumrani, P.L.    |

---

**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**08.03.2021**

1. The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 20.8.2020 in connection with Crime No.372/2020, registered at Police Station-Dongargarh, District Rajnandgaon(CG) for the offence punishable under Sections 307, 332, 186/34 of the IPC and Section 3/181 of the Motor Vehicles Act.
2. Case of the prosecution is that the complainant Ravindra Netam, who is a Constable, lodged a report that on 20.8.2020 when he was performing his duty and patrolling with Govt. vehicle in the area of Police Station Dongargarh, in the night at about 2.30, three boys in suspected condition were going on motorcycle towards Tumdibod and when he asked them to stop, they did not stop then the complainant chased them and when

they were caught the applicants abused and the third one namely Abhishek @ Bhalu Udiya assaulted the complainant with knife on his hand and chest and ran away. Based on this, the applicants were taken into custody.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits on the date of incident i.e. 20.8.2020, some dispute arose between the complainant and the applicants on account of a road accident and therefore, the complainant has lodged a false report against the applicants to implicate in the crime. He submits that the applicants have no criminal antecedents and the complainant has received only 2 simple injuries and main allegations are against the co-accused Abhishek @ Bhalu Udiya; charge sheet has been filed and the applicants have been arrested on 20.8.2020 and trial is likely to take some time for its final disposal, therefore, the applicants may be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, he submits that there is no criminal antecedents against the applicants.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and the nature of injuries sustained by the complainant and main allegations are against the co-accused Abhishek @ Bhalu Udiya; detention period of the applicants; charge sheet has been filed and there is no criminal antecedents against the applicants as stated by both the counsel; there is no likelihood of the applicants tampering with the evidence or absconding and that conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed.
6. It is directed that in the event of the each of the applicants 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 applicants shall automatically stand cancelled without further reference to the Bench.

Sd/

**(Gautam Chourdiya)**  
**Judge**

sunita