

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5809 of 2021**

- Zakir @ Ibrahim S/o Zabbar Khan Aged About 18 Years R/o Daupara, Tahsil-Mungeli, District- Mungeli, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Officer-In-Charge-Police Station-Mungeli, District- Mungeli, Chhattisgarh

---- Respondent

 For Applicant : Shri Dheerendra Pandey, Advocate
 For respondent/State : Shri BL Sahu, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****23.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 12.7.2021 in connection with Crime No.162/2021 registered at Police Station Mungeli, Distt. Mungeli (C.G.), for the offence punishable under Sections 294, 506, 323, 324, 394, 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that on 24.3.2021 at about 11.00 pm, the complainant was returning to his house and when he reached near his house, the applicant along with one co-accused came there, abused him in filthy language, assaulted him and also caused injury to him by blade, committed marpeet by hands and fists and also threatened to kill him. The applicant and co-accused have also robbed Rs.5,00/- and head phone from the complainant. Based on these facts, present crime was registered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, no robbery has been committed by the applicant, it is a simple case of bailable offence, charge sheet has been filed but there is no medical report in the charge sheet which would show the alleged injury caused to the complainant is of grievous nature. Co-accused has already been granted bail by the court below. The applicant is in jail since 12.7.2021 and considering the above facts, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that the applicant is an habitual offender and 08 criminal cases have been registered against him, therefore, he is not entitled for grant of bail.

5. In reply to the above submission of learned counsel for the State, counsel for the applicant submits that the applicant has already been acquitted from the above mentioned cases registered against him.

6. I have heard learned counsel for the parties, perused the case diary and the material available on record.

7. Considering the facts and circumstances of the case, nature and gravity of offence, detention period of the applicant and also taking into consideration that charge sheet has been filed, offences are triable by Judicial Magistrate First Class and co-accused has already been granted bail, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if applicant furnishes one solvent surety for a sum

of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

**Sd/-
(N.K. Chandravanshi)
JUDGE**

Bini