

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6280 of 2021**

- Sabir Khan, S/o Moh. Gaffar Khan Aged About 21 Years, R/o Ward No. 7, In Front Of Electricity Office, P. S. Dharsiva District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Berla, District Bemetara Chhattisgarh

---- Respondent

For Applicant : Shri Shubham Tripathi, Advocate

For Respondent/State : Shri Vikash Shrivastava, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**28.10.2021**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.152 of 2021 registered at Police Station- Berla, District- Bemetara, Chhattisgarh for the offences punishable under Sections 341, 307, 398, 120B of IPC and Section 25 and 27 of the Arms Act.

2. Case of the prosecution, in brief, is that on 29.04.2021, oral report has been lodged to concerned Police Station stating that on 28.04.2021, complainant-Maneesh Parganiha along with Digambar Parganiha were travelling on Motorcycle from Gadamore to Singardih. At about 8.15 pm when they reached near Gadamore bridge, some persons travelling on three Motorcycles were also coming that way, screaming and abusing in filthy words, upon which complainant stopped his Motorcycle. Accused persons also stopped their Motorcycles and two of them came out and pulled out Motorcycle key of complainant. When this act of accused person was objected, he gave a knife blow in his abdomen and also assaulted Digambar

Parganiha on his person. Based on oral report, aforementioned crime has been registered against applicant.

3. Shri Shubham Tripathi, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. There is no specific material to connect him in commission of offence. In FIR it is mentioned that accused persons have covered their faces with cloth, but in statement, complainant stated that he has not mentioned in the report that faces of accused persons were covered with cloth. Hence, allegation and case itself is suspicious. There is no recovery of any incriminating material from the possession of applicant and there is no test identification parade even when the alleged crime is stated to have taken place in night. Applicant is in jail since 01.05.2021, hence he may be enlarged on regular bail.

4. Shri Vikash Shrivastava, learned State counsel opposing the submissions of learned counsel for the applicant would submit that complainant stated that he identified accused persons by their face. Offence alleged against applicant is of serious nature. On the same set of evidence, bail application of co-accused Gopesh Pal was dismissed on 21.09.2021 by this Court and case of present applicant also stands on the same footing. Hence, he is not entitled for bail under Section 439 of CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations levelled against applicant, and the fact that application of Gopesh Pal is dismissed with

similar set of evidence by coordinate Bench vide order dated 21.09.2021, I do not find it a fit case to enlarge the applicant on regular bail.

7. Accordingly, MCRC- 6280 of 2021 is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

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