

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5934 of 2021

1. Sahil @ Nirmal Aaswani, S/o Thakur Das Aaswani, Aged About 30 Years, R/o Behind City Mall, Vidhayak Colony, Raipur, District Raipur, Chhattisgarh.
2. Vahid Khan, S/o Farid Khan, Aged About 20 Years, R/o Vishal Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through The Police Station Telibandha,
Raipur, District Raipur, Chhattisgarh.

---- Non-Applicant

For Applicants	: Mr. Pragalbha Sharma, Advocate
For Non-Applicant/State	: Ms. Shubhra Shrivastava, P.L.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

01.11.2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who are in custody since 24.07.2021 in connection with Crime No. 281 of 2021, registered at Police Station Telibandha, Raipur, District Raipur (C.G.), for the offence punishable under Sections 294, 506B, 327/34 of Indian Penal Code and Sections 25, 27 of Arms Act.
- 2) Case of the prosecution, is that, on 23.07.2021, at about 11.45 PM, when complainant was returning from Sayaji Hotel along with his other two friends, they met with applicants near Heera Nagar turn. Both the applicants have stopped them and stated that they are '*Dada*' of area and demanded money for consumption of liquor. Applicant No.2 took out the knife and shown them, upon which, complainant and his other two friends

ran away and lodged report to concerned Police Station. Based upon the report, aforementioned crime was registered against the applicants.

- 3) Mr. Pragalbha Sharma, learned counsel for the applicants would submit that absolutely false allegations are levelled against the applicants. In the night, applicants as well as complainant were travelling on motorcycle and they met with an accident and some quarrel took place, but to implicate the applicants in graver offence, aforementioned allegations have been levelled against the applicants. He further submits that there is no assault causing hurt to complainant as appearing in the contents of First Information Report. Applicants are in jail since 24.07.2021 and charge-sheet has been filed, hence, they may be enlarged on regular bail.
- 4) On the other hand, Ms. Shubhra Shrivastava, learned Panel Lawyer opposing the submissions made by learned counsel for the applicants would submit that as per contents of First Information Report, applicants on the point of knife, demanded money. Applicant No.1 is having two criminal antecedents recorded in his name and applicant No.2 is having one criminal antecedent reported in the case diary, hence, they are not entitled for bail.
- 5) I have heard learned counsel for the parties.
- 6) Taking into consideration facts and circumstances of the case, nature of allegations, there is no allegation of assaulting upon complainant or his friends in any manner, pretrial detention of

the applicants and charge-sheet has been filed, without commenting anything on the merits of the case, I am inclined to release the applicants on regular bail.

- 7) Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that :

a) They shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) They shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh