

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6247 of 2021

1. Basir Ansari S/o Late Nijamuddin Ansari, Aged About 38 Years, R/o Mauharpara Bypass Road, Manendragarh, District Koriya (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Manendragarh, District Koriya (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Akhtar Hussain with Mr. Ram Sajiwan, Advocates.
For Non-Applicant/State	:	Ms. Deepti Shukla, P.L.

MCRC No. 6382 of 2021

1. Rashid Khan S/o Late Humayu, Aged About 22 Years, R/o Ward No. 20, Pendra, Dafai, Manendragarh, Thana And Tahsil Manendragarh, District Korea (C.G.).

----Applicant

Versus

1. The State Of Chhattisgarh, Through Police Station Manendragarh, District Korea (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Hemant Kumar Agrawal, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, P.L.

MCRC No. 6543 of 2021

1. Suhail Memon S/o Yasim Memon, Aged About 24 Years, R/o Moharpara, Ward No. 06, Manendragarh, Police Station And Tahsil Manendragarh, District Koriya (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Manendragarh, District Koriya (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, P.L.

MCRC No. 6842 of 2021

1. Wasim Mansoori S/o Shri Yunus Mansoori, Aged About 22 Years, R/o Ward No. 12, Near State Bank, Manendragarh, Thana And Tahsil Manendragarh, District Koriya (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Manendragarh, District Koriya (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Abhishek K. Singh, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

29/09/2021

- 1) Heard.
- 2) Since all these applications arise out of the same crime number, they are being disposed of by this common order.
- 3) These are the **First Bail Applications** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail, as they are in jail since 13/07/2021, 14/07/2021, 14/07/2021 & 13/07/2021 respectively in connection with Crime No. 61/2020, registered at Police Station Manendragarh, District Koriya (C.G.) for the offence under Sections 294, 323, 506, 307, 341, 147, 148 & 149 of Indian Penal Code.
- 4) As per the prosecution case on 29/02/2020 at around 09 PM the present applicants alongwith other co-accused persons abused the victim Mukesh filthily, threatened him of life and assaulted him with club, rod, bike shock-up and belt, as a result of which Mukesh sustained injuries over his head, jaw and back. When the

complainant party was going to Police Station for lodging report alongwith injured Mukesh, the accused persons stopped them on the way and again started assaulting them as a result of which complainant Sushil Rajak @ Golu sustained injuries on back with a belt, Deepak Kewat sustained injuries on back and toe whereas Tulesh Khatik suffered injuries on back. On report being lodged to the above effect, the aforesaid offences has been registered against accused persons.

- 5) Learned Counsels for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. It is submitted that a counter Fir was also lodged by the co-accused Saif against the complainant party herein on the date of incident itself under Section 294, 323/34 and 506 of Indian Penal Code. It is submitted that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding. It is further submitted that applicants are in jail since 13/07/2021, 14/07/2021, 14/07/2021 & 13/07/2021 respectively, charge sheet has been filed and conclusion of trial is likely to take some time. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail applications. However, she submits that the applicants have no criminal antecedents.
- 7) I have heard learned Counsel for the parties.
- 8) Considering the facts and circumstances of the case, the fact that though the victim Mukesh sustained grievous injuries, however he remained in hospital for 10 days only from 01/03/2020 to 09/03/2020, that applicant Suhail Memon is a student of Engineering course, the fact that on the date of incident itself a prompt FIR was also lodged by the co-accused Saif against the complainant party, the detention period of the applicants who are 38, 22, 24 and 22 years old respectively, charge sheet has already been filed, the fact that applicants have no criminal antecedents

and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and conclusion of trial may take some time for its disposal, the applications are **allowed**. It is directed that in the event of **each** of the applicants executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- i. 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 him from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- iv. they shall not involve themselves in any offence of similar nature in future.

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.

-Sd/-
(Gautam Chourdiya)
Judge