

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6465 of 2021**

Mohammad Ismail S/o Late Shri Mohammad Vazir Khan Aged About 65 Years R/o Imlipara, Police Station Civil Lines, Tehsil and District Bilaspur, CG

---- Applicant

Versus

State of Chhattisgarh through District Magistrate, Bilaspur in respect of Crime No. 90 of 2021 Registered at Police Station Tarbahar, District Bilaspur Chhattisgarh

---- Non-applicant

MCRC No. 6811 of 2021

1. Shahnawaz Khan S/o Shri Mohammad Ismail Khan Aged About 40 Years R/o Imlipara, Police Station Civil Lines, Tehsil And District- Bilaspur, Chhattisgarh
2. Sohrab Khan S/o Shri Mohammad Ismail Khan Aged About 25 Years R/o Imlipara, Police Station Civil Lines, Tehsil And District- Bilaspur, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh through District Magistrate, Bilaspur in respect of Crime No.90 of 2021 registered at Police Station Tarbahar, District- Bilaspur, Chhattisgarh

---- Non-applicant

For applicants	Mr. Ranbir Singh Marhas, Adv.
For non-applicant/State	Mr. Ankur Kashyap, PL.
For objector	Mr. Prafulla N. Bharat, Sr. Adv. with Mr. Rahul Tamaskar, Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****26-10-2021**

1. As both the above bail applications arise from the same crime no. of same police station, they are being heard and disposed of by this common order.
2. As per applicants, these are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no bail application is pending before any other court.

3. The applicants have been arrested in connection with Crime No. 90/2021 registered in police station Tarbahar, Distt. Bilaspur (CG) for offence punishable under Sections 294, 506-II, 323, 307, 427 read with Section 34 of the Indian Penal Code.
4. Brief facts of the case are that on 8-6-2021, applicants abusing in filthy language threatened the complainant and caused injury on the head of Abhay Barua with intention of causing his murder and also damaged his vehicle.
5. Counsel for the applicants argued that applicants have not committed alleged crime, they have been implicated by the complainant in order to grab the land on which the applicants are having their office of transport business. He next submits that complainant along with several other persons entered into the office of applicants and assaulted upon them with spanner, iron rod, applicants only retaliated in order to defend themselves. Complainant and his associates are the aggressors. On the report of applicant Mohd. Shahnawaz Khan, an offence under Crime No. 91/2021 has been registered against Abhay Barua and other persons. He also submits that injury sustained by Abhay Barua is simple in nature. Charge sheet has been filed. Applicants have no previous criminal antecedents. There is no chance to influence the witnesses, hence the applicants may be granted bail.
6. On the other hand, the State Counsel, assisted by counsel for the objector, opposed the bail applications and submitted that the applicants have assaulted upon Abhay Barua with iron rod and other sharp edged weapons, in which, he had sustained head injury, who was admitted in the hospital for a month. They also damaged his vehicle, therefore, bail applications are liable to be rejected.
7. I have heard counsel for both the parties and perused the case diary and material available.
8. Considering the facts and circumstances of the case, nature and gravity of offence, also taking into consideration the medical

report of injured Abhay Barua, also taking into consideration that charge sheet has been filed, the applicants are in jail since 8-6-2021, I feel inclined to allow the bail applications. Hence, applications are allowed. It is ordered that if each of the applicants furnishes one solvent surety for a sum of Rs. 50,000/- along with one personal bond of like amount to the satisfaction of the trial Court concerned for their appearance before the concerned Court as and when directed by the said Court, they be released on bail.

9. Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
Judge