

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7254 of 2020

1. Jawed Khan @ Guddu S/o Late Alam Khan, aged about 28 years
2. Suraj Vishwakarma @ Golu @ Goldi S/o Santosh Vishwakarma, aged about 25 years

Both R/o Ward No. 21, Saksharta Chowk, Majar Area, Behind Pani Tanki, Camp-1, P.S. Chhawani, Bhilai, Tahsil & District Durg (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through P.S. Chhawani, District Durg (C.G.)

---- State/Non-applicant

For Applicants : Shri S.K. Agrawal, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

12.01.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 27.06.2020 in connection with Crime No. 332/2020 registered in Police Station- Chhawani, District Durg (CG) for the offence punishable under Sections 307, 147, 148, 149 & 120B of IPC.
2. As per prosecution story, the complainant namely Ishwar Yadav @ Vipul Yadav has made complaint against Sanjay Khan @ Sanju Khan, Suraj Vishwakarma @ Goldi, Birendra Kumar Pardhi @ Veera & Mota @ Sonu Sinha that they called out the complainant from his house stating that he has stolen the parts of auto, they will kill him. Thereafter, in furtherance of their common object, they assaulted the complainant by means of knife. On this the complainant has lodged the report against the above four accused persons.

3. Learned counsel for the applicants seeks to withdraw the bail application on behalf of applicant No.2 Suraj Vishwakarma @ Golu @ Goldi.
4. Accordingly, the bail application on behalf of applicant No.2 Suraj Vishwakarma @ Golu @ Goldi is dismissed as withdrawn.
5. Now this Court considers the bail application on behalf of applicant No.1 Jawed Khan @ Guddu.
6. Learned counsel for the applicants submits that applicant No.1 has been falsely implicated in this crime. He submits that the complainant has lodged the report against four accused persons namely Sanjay Khan @ Sanju Khan, Suraj Vishwakarma @ Goldi @ Golu, Birendra Kumar Pardhi @ Veera & Mota @ Sanju Sinha and there is no mention of name of present applicant No.1 Jawed Khan @ Guddu in the said complaint and his name has been added later in the said crime. He also submits that applicant No.1 is languishing in jail since 27.06.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, applicant No.1 be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. Considering the facts and circumstances of the case, the statement of complainant Ishwar Yadav who lodged the F.I.R. against only four accused persons, that on the basis of memorandums of the accused persons and additional statement of Ishwar Yadav, subsequently the name of the present applicant No.1 Jawed Khan @ Guddu has been mentioned, the applicant is in jail since 27.06.2020 and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the bail application on behalf of applicant No.1 Jawed Khan @ Guddu is allowed.
9. It is directed that in the event of applicant No.1 Jawed Khan @ Guddu

executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- i. he 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. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

10. In the result, bail application of applicant No.1 namely Jawed Khan @ Guddu is allowed on the above terms and conditions whereas bail application on behalf of applicant No.2 Suraj Vishwakarma @ Golu @ Goldi is dismissed as withdrawn.

Sd/-
(Gautam Chourdiya)
Judge