NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8552 of 2020

- Wahid Khan S/o Shri Umar Ansari aged about 22 years, occupation- Vegetable, resident of Mayapur, Ambikapur, P.S. Ambikapur, District Sarguja, Chhattisgarh (Wrongly mentioned in impugned order. Correct name and address:)

  Wahid Hussain S/o Shri Umar Hussain, aged about 18 years 6 months, by cast-Musalman, resident of Mayapur, Ambikapur, P.S. Ambikapur and Sarguja, Chhattisgarh

------Applicant

VERSUS

- State of Chhattisgarh through: Officer Incharge of Police Station- Ambikapur, District Sarguja, Chhattisgarh

-------**Respondent**

For Applicant : Mr. Sandeep Shrivastava, Advocate
For Respondent- State : Mr. Rakesh Sahu, Dy. Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

25/03/2021

1. On the last date of hearing ie. 24.03.2021, this Court has directed for listing the matter on 25.03.2021, but inadvertently due to typographical error, the date for further consideration has been mentioned as 25.02.2021. The said date to be read as '25.03.2021'.

2. Applicant has preferred this first bail application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No.486/2020 registered at Police Station Ambikapur, District Sarguja (C.G.) for the offence punishable under Section 307, 147, 148, 149, 188, 120B of IPC and Section 25 & 27 of the Arms Act, 1959.

3. As per the case of prosecution, Mazhar Khan, Sonu Miya, Raja Khan and other persons formed unlawful assembly and assaulted Sanjeev Baik, Durgesh Yadav and complainant Ajay Vishwakarma, by means of

club, sword, iron rod and knife. All the three persons suffered injuries over their person.

4. Learned counsel for the applicant submits that the present applicant has not been named in the F.I.R. and his name has been stated during the course of investigation. He has not committed any offence as alleged against him. He also submits that two co-accused persons namely Raja Ansari and Mohd. Salim Khan have been enlarged on bail in MCRC No. 8441/2020 and MCRC No. 7179/2020. Name of Raja Ansari is mentioned in F.I.R.

5. Learned counsel representing the State, while opposing the submission made by the learned counsel for the applicant, submits that the name of the present applicant has been specifically mentioned in the statement made by Sanju under Section 161 of CrPC. He is also involved in the crime, however, he did not dispute the grant of bail to Raja Ansari and Mohd. Salim Khan and their acts.

6. I have heard learned counsel for the respective parties.

7. Taking into consideration the facts and circumstances of the case, nature of allegation levelled against the present application and further considering the fact that Raja Ansari, who is said to be named as Raja Khan in the F.I.R. and one Mohammad Salim Khan, have already been enlarged on bail in MCRC No. 8441/2020 and MCRC No. 7179/2020. Considering the period of detention of the applicant, since 01.09.2020, and further considering that there is no criminal antecedents of the present applicant as stated by the learned State counsel on the basis of case diary, without commenting on merits of the case, I am inclined to enlarge the applicant on Bail.

8. Accordingly, the bail application is allowed. It is directed that the

applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

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

c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Pawan