

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8036 of 2021**

Saiyyad Ashad Khan, aged about 28 years S/o Shri Saiyyad Hamid R/o Kabir Ward,
Mungeli, P.S. & Tahsil Mungeli, Distt. Mungeli (C.G.)

----Applicant

Versus

State Of Chhattisgarh Through: S.H.O, P.S. City Kotwali, Mungeli, Distt. Mungeli
(C.G.).

---- Respondent

MCRC No. 8046 of 2021

Saiyyad Wahid Khan, Aged about 30 years S/o Shri Saiyyad Hamid, R/o Kabir Ward,
Mungeli, P.S. & Tahsil Mungeli, Distt. Mungeli (C.G.).

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O, P.S. City Kotwali, Mungeli, Distt. Mungeli
(C.G.).

---- Respondent

For Applicants	:	Mr. Ishan Verma, Advocate
For Respondent	:	Mr. Ishwar Jaiswal, PL

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

28/10/2021

Heard.

1. Since both the bail applications arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these First Bail Applications under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 476/2021

registered at Police Station City Kotwali Mungeli, Distt. Mungeli (C.G.) for the offence punishable under Sections 294, 323, 506, 307, 34 of the IPC.

3. Case of the prosecution in brief is that on 31/08/2021 Complainant Parmanand (henceforth 'the Complainant') has lodged a complaint stating therein that on 31/08/2021 at about 07:30 pm, he along with his brother Tripuraj Singh, Swapnil, Nagendra @ Deepak and Shriom was standing at a tea stall, Daupara Chowk, Mungeli. At that time, one Geetanjali belonging to his village, went to police station for performing love marriage with a Muslim boy. The applicants were discussing this matter and suddenly they started abusing the complainant and also threatened him. The applicants also assaulted them by a knife and hands and fists.
4. Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the present case. Applicant Saiyyad Ashad Khan is in jail since 08/09/2021 and applicant Saiyyad Wahid Khan is in jail since 01/09/2021. He further submits that co-accused Wajid Khan has been granted bail in MCRC No. 7182/2021 and co-accused Shaikh Sajid has been granted bail in MCRC No. 7329/2021 by the coordinate bench of this Court, therefore, he prays to release the applicants on bail.
5. On the other hand, learned counsel for the State opposes the bail applications and submits that there are two criminal antecedents registered against both the applicants.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts that applicant Saiyyad Wahid Khan has participated in the assault and used a sharp knife and caused incised wound to the

complainant's party, particularly to injured Tripuraj which is of serious nature, this Court is not inclined to release applicant Saiyyad Wahid Khan on bail.

8. Accordingly, MCRC No. 8046/2021 is dismissed. However, a liberty is granted to the applicant to revive the bail application after examination of the main witnesses.
9. Taking into consideration the fact that there is no seizure of weapon from applicant Saiyyad Ashad Khan, this Court is of the view that present is a fit case to release this applicant on bail.
10. Accordingly, MCRC No. 8036/2021 is allowed.
11. It is directed that the applicant Saiyyad Ashad Khan in MCRC No. 8036/2021 shall be released on bail on his furnishing a personal bond for a sum of Rs. 10,000/- with one surety of the like sum amount to the satisfaction of the trial Court. Thereafter, he shall appear before the trial Court on each and every date given by the said Court till the disposal of the trial.

Sd/-
(Deepak Kumar Tiwari)
Judge