

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7188 of 2015**

1. Mohd. Maksud S/o Ishaq @ Dallu Aged About 22 Years Caste Muslim, R/o Village Nayapara, Ward No. 5, Mahasamund, Tahsil, Police Station And District Mahasamund Chhattisgarh.

2. Mohd. Ishaq @ Dallu S/o Mohd. Niyaj Aged About 53 Years Caste Muslim, R/o Village Nayapara, Ward No. 5, Mahasamund, Tahsil, Police Station And District Mahasamund Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund Chhattisgarh.

---- Respondent

For applicants - Shri Vikash Pradhan, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****22/12/2015**

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 278/2015 registered in Police Station Mahasamund, District Mahasamund (C.G.) for offence punishable under section 307, 34 of Indian Penal Code (wrongly mentioned as 307 of IPC and Section 25, 27 of Arms Act).

2. As per the prosecution case, on 24/06/2015 one of the co-accused Nasru @ Nasir had quarrel with Mohd. Faiz Quereshi. On the date when complainant and Nasru wanted to settle the matter at that time brother of Nasru and father present applicants Mohd. Maksud and Mohd. Ishaq came who were holding chopper and pipe and they started beating Mohd. Faiz and Asif at the instance of Nasir, thereby offence is committed.

3. Learned counsel for the applicants submits that nature of the case was small dispute in between the parties, it cannot be attributed to the applicants. He further submits that prosecution witnesses have also not

stated the fact and not supported the case of the prosecution, therefore the applicants may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the statement of the complainant Mohd. Faiz Quereshi and Asif Quereshi. Considering the role played by these applicants as they were holding weapon and went to the spot and which is supported by other eye witnesses and the way the offence is committed, this court is not inclined to release the applicants on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE