

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1595 of 2016

1. Abdul Habib, S/o. Abdul Rashid, aged about 21 years, R/o. Saraswati Nagar, (Taj Nagar) Pandri, Police Station Civil Lines, District – Raipur (C.G.)
2. Abdul Hakib @ Chhotu, S/o. Abdul Rashid, aged about 18 years, R/o. Saraswati Nagar, (Taj Nagar), Pandri, Police Station Civil Lines, District-Raipur (C.G.)
3. Bhagirathi Deep, S/o. Dev Deep @ Deepak Deep, R/o. Saraswati Nagar (Taj Nagar), Pandri, Police Station Civil Lines, District – Raipur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station – Pandri (Mowa), District – Raipur (C.G.)

---- Respondent

For Applicants : Mr. Arun Kochar, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/03/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.283/2015, registered at Police Station – Pandri (Mova), District – Raipur (C.G.) for the offence punishable under Section 294, 506, 323, 147, 307 of Indian Penal Code. The first bail application was rejected on merits vide order dated 04.01.2016 in M.Cr.C.No.7319/2015.
2. Case of the prosecution, in brief, is that on 16.11.2015 at about 5.30 PM the complainant who is the owner of scrap shop had entered into a dispute over parking of the vehicle in front of his shop. Thereafter, the applicant over such altercation went back and came back with other

co-accused and assaulted the complainant, whereby the complainant sustained seven injuries.

3. Learned counsel for the applicants would submit that the applicants came empty handed and there was no intention to kill and it would be case of maximum under Section 323 of I.P.C.. He would further submit that charge-sheet in this case has been filed and the applicants are in jail since 17.11.2015, therefore, he prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Reading the earlier bail rejection order would show that bail application was dismissed predominantly on the ground that the applicants' family members had exerted pressure on complainant's family members to compromise and settle the matter and threat was also extended that if the compromise was not arrived at, they will face dire consequences. Considering the background of the case, the bail application was dismissed. Presently it is stated that complainant has not been examined before the Court, therefore, no change of circumstances exists to reconsider the bail again. Therefore, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge