

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7319 of 2015

1. Abdul Habib S/o Abdul Rashid Aged About 21 Years, R/o Saraswati Nagar (Taj Nagar), Pandri, Police Station Civil Lines, District Raipur Chhattisgarh.
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 Chhattisgarh.
3. Bhagirathi Deep S/o Dev Deep @ Deepak Deep R/o Saraswati Nagar (Taj Nagar), Pandri, Police Station Civil Lines, District Raipur Chhattisgarh.

---- Applicants

Versus

The State of Chhattisgarh Through Police Station Pandri (Mowa), District Raipur Chhattisgarh.

---- Respondent

For Applicants	:-	Shri D.K. Gwalre, along with Shri Avinash Chand Sahu, Advocates
For Respondent/ State	:-	Shri Samir Behar, Panel Lawyer
For objector	:-	Shri J.K. Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

04/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 283/2015 registered at Police Station- Pandri (Mowa) (C.G.) for the offence punishable under Sections 294,506,323,147,307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 16.11.2015 at about 5.30 PM the complainant who has a scrap shop and the applicant had parked his motorcycle in front of the complainant's shop and when the complainant's brother came with his vehicle and asked

them to remove their motorcycle which resulted into an altercation subsequently, the applicant went thereafter came back and assaulted Amir Khan the complainant.

3. Counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in this case. He further submits that all the injuries are superficial in nature which can not be attracted section 307 of IPC and the dispute arose over parking of the vehicle, therefore, they may be enlarged on bail.
4. Learned State as well as counsel for the objector opposes the prayer for grant of bail and submits that during the intervening period the applicant's family members tried to exert pressure upon the complainant to compromise and settle the matter and contended if the compromise is not arrived then they will face irreparable losse, therefore, the applicants should not be entitled for grant of bail.
5. Perused the case diary. Perusal of the case diary statement would reveal that the matter is still under investigation. Having regard to the totality of the facts and circumstances of the case and the fact that the matter is still under investigation, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge