

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7513 of 2015

1. Saif Ali @ Babu, S/o- Shabbir Ali, Aged About 21 Years, R/o. R.D.A. Colony, Boriyakhurd, P.S. Tikrapara, Civil and Revenue District Raipur (C.G.)
2. Shiekh Arman, S/o. Shiekh Akhtar, Aged about 32 years, R/o. Near Sanjay Nagar, Mazjid P.S. Tikrapara, Civil and Revenue District Raipur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through: Station House Gol Bazar, Civil and Revenue District Raipur (C.G.)

---- Respondent

For Applicant	:-	Mr. Devrshi Thakur, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

13/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 182/2015 registered at Police Station- Gole Bazar, District – Raipur (C.G.) for the offence punishable under Sections 307,34 of IPC.
2. Case of the prosecution,in brief, is that on 04.12.2015 the dispute arose over the passenger in between Auto drivers. The applicants assaulted to the deceased Lalta Prasad Tiwari by way of knife. Thereby, the offence is committed.
3. Counsel for the applicant submits that the applicants are innocent and they have been falsely implicated in this case. He further submits that the applicant No. 2 Shiekh Arman was being assaulted where the applicant No. 1 Saif Ali had come to the aid

were also assaulted by the complainant party but their complaints were not registered. The applicants were denied to be admitted by the jail authorities, thereafter the applicants MLC were conducted, therefore, they may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, statements and the medical report. Perusal of the case diary, statements and medical report shows that three incised wound caused by way of knife. Considering the statements of the complainants and the way the offence is committed this court is of the opinion that it is not a fit case where the applicant can be released on bail.
6. Accordingly, the bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge