

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.810 of 2016

Nazir Khan @ Baba, S/o Majeed Khan, Aged about 20 years, R/o Village-Pandripani, P.S. Bilaigarh, Civil & Revenue District Baloda Bazar-Bhatapara (CG)

---Applicant

Versus

State of Chhattisgarh Through Police Station-Bilaigarh, Civil & Revenue District Baloda Bazar-Bhatapara (CG)

---Non-applicant

For Applicant	:	Mr. Adil Minaz, Advocate
For Non-applicant	:	Mr. O.P.Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/03/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.50 of 2015, registered at Police Station-Bilaigarh, District-Baloda Bazar-Bhatapara (CG), for the offence punishable under Sections 147, 148, 294, 427, 506, 323, 307 and 302 of the IPC.

2. Case of the prosecution, in brief, is that, on 5.2.2015 the present applicant along with other co-accused persons entered into the house of Dharamlal and assaulted him and other injured complainants by which Faguram died, four persons suffered grievous injuries and nineteen persons suffered simple injuries and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He has not named in the F.I.R., he is not the person who has

been charged for the offence and his case is distinguishable to that of the co-accused Ashraf Khan, Nasrat Khan, Rahim Khan, Lal Khan and Abdul Khan whose bail applications have been rejected by this Court vide order dated 31.7.2015 in M.Cr.C.Nos.2978 and 3558 of 2015. He is in jail since 20.10.2015 and charge-sheet has already been filed.

4. On the other hand, learned State counsel would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the applicant and other co-accused persons armed with deadly weapons entered into the house of Dharamlal and others and assaulted them by which Fagu Ram died and several persons received grievous and simple injuries, the material collected on behalf of the prosecution against the applicant and the fact that bail applications of co-accused have been rejected in M.Cr.C.Nos.2978 and 3558 of 2015, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-