

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 957 of 2016**

1. Rakib Ansari, S/o. Usman Ansari, aged about 45 years,
2. Hasbun Nisha, W/o. Rakib Ansari, aged about 40 years,
3. Abdul Malik, S/o Rakib Ansari, aged about 20 years,

All R/o.Vijaynagar, Police Station – Ramanujganj, District
– Balrampur-Ramanujganj, Civil District -Sarguja,
Revenue District -Balrampur, Chhattisgarh

---- Applicants**Versus**

The State Of Chhattisgarh Through Police Station-
Ramanujganj, District Balrampur-Ramanujganj, CG

---- Non-applicant

For Applicants : Shri A.K. Prasad, Advocate

For Non-applicant/State: Shri Dhiraj Kumar Wankhede, GA

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**03/03/2016**

(1) At the outset, counsel for the applicants submits that he may be permitted to withdraw this bail application in relation to applicant No. 3-Abdul Malik.

(2) He is permitted to do so.

(3) Accordingly, the bail application in relation to applicant No. 3- Abdul Malik is dismissed as withdrawn.

(4) The accused/applicants No. 1 & 2 namely Rakib Ansari &

Hasbun Nisha have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.134/2015 registered at Police Station Ramanujgunj, District-Balrampur-Ramanujgunj for the offences punishable under Sections 307, 342, 325, 506, 147 & 148 of the Indian Penal Code.

(5) Case of the prosecution, in brief, is that present applicants alongwith three co-accused persons assaulted complainant Jaibun Nisha by hand and fist & wooden stick, by which she suffered grievous injuries, which were sufficient to cause her death.

(6) Counsel for the applicants would submit that the applicants No. 1 & 2 and the complainant are the close relatives to each other and there is some land dispute is going on between them, due to which they have been falsely implicated in the case; and FIR came to be lodged after three days of the incident without any proper explanation. He further submits that the other co-accused persons have been released on bail by this Court vide order dated 18.11.2015 and injuries suffered by the complainant are simple in nature and at the most offence under Section 325 of the IPC is made out against the applicants. He further submits that the applicants are in detention since 30.09.2015 and the charge-sheet has been filed and therefore, the applicants No. 1 & 2 may be released on bail.

(7) On the other hand, counsel for the State opposes the bail application.

(8) Taking into consideration the facts and circumstances of the case; particularly, the extent of delay in lodging the FIR; the parties are close relative to each other and considering their pre trial detention and that the charge-sheet has already been filed; this Court is of the opinion that present is the fit case, in which, the applicants No. 1 & 2 should be enlarged on regular bail.

(9) Accused/applicants No. 1 & 2 namely – **Rakib Ansari, & Hasbun Nisha** are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-