

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1839 of 2016

- Aamir Khan S/o Ahsanul Khan Aged About 26 Years
Occupation Business, Caste Muslim, R/o Barejpara (Kaadambi Chowk), P.S. & Tahsil Ambikapur, District Surguja, Civil & Revenue District Surguja, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For the applicant	: Mr. Sandeep Yadav, Advocate
For the Respondent	: Mr. Anil S. Pandey, Govt. Advocate.
For the Objector	: Mr. S.D. Singh, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 557/2015 registered at P.S. Ambikapur, Distt. Surguja (C.G) for the offence punishable under Section 294, 506, 323, 302 & 34 IPC.
2. As per the prosecution case, on 30.09.2015, the applicant along-with other co-accused Banjare on a dispute has severely beaten the deceased Ismail as a result of which Ismail became unconscious. Subsequently he died on 08.10.2015 during the state of unconsciousness in a hospital.
3. Learned counsel for the applicant submits that no evidence is available against the applicant and only the evidence of last seen is available and one of the eye-witnesses Manish Upadhyay has not supported the case of prosecution,

therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of Manish Upadhyay wherein at para 5 he has stated that his statement was recorded by the police as it is which cannot be adjudicated by this Court at this stage for consideration of bail and it is for the trial Court to appreciate such statement after evaluating the entire evidence. Therefore, I am not inclined to allow the bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE

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