

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2978 of 2016

1. Abdul Habib, S/o. Abdul Rashid, aged about 21 years, R/o. Saraswati Nagar, (Taj Nagar) Pandri, Police Station Civil Lines, District – Raipur (C.G.)
2. Abudl Hakib @ Chhotu, S/o. Abdul Rashid, aged about 18 years, R/o. Saraswati Nagar (Taj Nagar) Pandri, Police Station Civil Lines, District-Raipur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Police Station – Pandri (Mowa), District-Raipur (C.G.)

---- Respondent

For Applicant : Ms. Renu Kochar, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/06/2016

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure, 1973 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), District – Raipur (C.G.) for the offence punishable under Section 294, 506, 323, 147, 307 of Indian Penal Code. The first bail application was dismissed on 04.01.2016 on merits and the second bail application was dismissed on 16.03.2016.
2. Case of the prosecution, in brief, is that on 16.11.2015 at about 5.30 PM, the complainant who is the owner of scrap shop had entered into a dispute over parking of the vehicle in front of his shop. Thereafter, the applicant over such altercation went back and came back with other co-accused and assaulted the complainant, whereby the complainant sustained seven injuries.

3. Learned counsel for the applicant submits that injured has been examined before the Court on 26.04.2016 and he has not identified the accused and the injury caused is simple in nature. It is further submitted that the applicants are college going students and they are in jail since 17.11.2015, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, earlier rejection orders as also the statement of injured Amir Khan made before the Court. Considering the statement of the injured, the applicants appear to have been identified by the injured and the argument of the counsel that there is no identification can not be appreciated at this stage by only picking the statement at para-10 & 12 of the examination. Considering the statement I do not find any change of circumstances to reconsider the bail application again. It is for the trial Court to evaluate the evidence in its entirety, reading it with the other statement. In view of the above, considering the statement of the injured, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge