

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4011 of 2016

1. Mohd. Maksud, Aged About 25 Years, S/o Shri Ishaq @ Dallu, By Caste Muslim, R/o Village Nayapara, Ward No. 05, Mahasamund, Tahsil - Police Station - And Civil & Rev. Distt. & District Mahasamund Chhattisgarh.

2. Mohd. Ishaq @ Dallu, Aged About 55 Years, S/o Shri Niyaj, By Caste Muslim, R/o Village Nayapara, Ward No. 05, Mahasamund, Tahsil, Police Station - And Civil And Rev. Distt. & Distt. Mahasamund Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through P.S. Mahasamund, Civil & Rev. District And Distt. Mahasamund Chhattisgarh.

---- Respondent

For applicants - Shri J.A. Lohani, Advocate.
For Respondent/State – Ms. K. Tripathi Rao, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/07/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 22/12/2015.

2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.278/2015 registered in Police Station Mahasamund, Distt. Mahasamund (C.G.) for offence punishable under section 307/34 of Indian Penal Code of 1860 and Sections 25, 27 of Arms Act.

3. As per the prosecution case, on 24/06/2015 one of the co-accused Nasru @ Nasir had quarrel with Mohd. Faiz Quereshi. On the date when complainant and Nasru wanted to settle the matter at that time brother of Nasru and father present applicants Mohd. Maksud and Mohd. Ishaq came who were holding chopper and pipe and they started beating Mohd. Faiz and Asif at the instance of Nasir, thereby offence is committed.

4. Learned counsel for the applicants submits that the two injured namely Mohd. Faiz Quereshi and Mohd. Asif Quereshi has been examined and they have attributed main assault was made by Nasru, therefore the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of Mohd. Faiz Quereshi and Mohd. Asif Quereshi wherein allegation of assault is on Nasru and Mohd. Maksud applicant No.1 herein. Considering the statement and role played by applicant No.2 Mohd. Ishaq and taking into his age he is aged about 55 years, this court is inclined to release the applicant No.2 Mohd. Ishaq on bail. As the allegation of assault is also on applicant No.1 Mohd. Maksud, this court is not inclined to release the applicant No.1 Mohd. Maksud on bail.

7. Accordingly, the bail application in respect of **applicant No.1 Mohd. Maksud** is dismissed and bail application in respect of **applicant No.2 Mohd. Ishaq** is allowed and it is directed that the **applicant No.2 Mohd. Ishaq** shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE