

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7054 of 2016

1. Mohammad Kari Akimuddin S/o Late Sahadan Ali, Aged About 70 Years R/o Village Datima Police Chowki Karanji Police Station Bishrampur Tahsil & District Civil & Revenue Surajpur Chhattisgarh
2. Mohammad Yusuf Ansari @ Sikandar, S/o Mohammad Kari Akimuddin, Aged About 25 Years R/o Village Datima Police Chowki Karanji Police Station Bishrampur Tahsil & District Civil & Revenue Surajpur Chhattisgarh
3. Asamaniya Bibi, W/o Mohammad Kari Akimuddin, Aged About 66 Years R/o Village Datima Police Chowki Karanji Police Station Bishrampur Tahsil & District Civil & Revenue Surajpur Chhattisgarh
4. Mohammad Shameem, S/o Mohammad Subedar, Aged About 36 Years R/o Village Datima Police Chowki Karanji Police Station Bishrampur Tahsil & District Civil & Revenue Surajpur Chhattisgarh
5. Nasibun Nisha @ Khanchi, W/o Mohammad Sameem, Aged About 36 Years R/o Village Datima Police Chowki Karanji Police Station Bishrampur Tahsil & District Civil & Revenue Surajpur Chhattisgarh

---- **Petitioners**

Versus

- State Of Chhattisgarh Through Its Police Chowki Karanji Police Station Bishrampur, Station Incharge District Surajpur Chhattisgarh

---- **Respondent**

For Applicants : Mr. Rajendra Kumar Suryavanshi
Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-11-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 10-8-2016 in connection with Crime No. 179 of 2016, registered at Police Station Police Chowki Karanjui PS Bishrampur, District Surajpur (CG) for the offence punishable under Sections 147, 294, 506-B and 307 of the IPC.

2. Case of the prosecution, in brief, is that on 9-8-2016 a report was made by the complainant Halima Bibi that when she along with her family members was constructing the house in Khasra No 12/3, at that time the applicants who are related to them came there by Tata Sumo bearing registration No. CG 15-B 2093 and objected about such construction. Applicant No.1 Mohamad Kari Akimuddin assaulted Halima Bbi by way of brick and other applicants also assaulted her by hands and fists. Subsequently, applicant No.2 Mohamad Yusuf Ansari @ Sikandar with intention to kill her tried to crush the victim by vehicle and she avoided the same and one tyre of the said vehicle went over her right leg and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, the incident happened over a land dispute between the parties, the injuries sustained by the victim are said to be simple in nature and false allegations have been attributed to the present applicants. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 10-8-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of the victim which would show that applicant No.2 Mohammad Yusuf Answari @ Sikandar tried to crush the victim by the vehicle which is also supported by the independent witness.

7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and considering the statement of the victim wherein she has stated that applicant No.2 Mohammad Yusuf Ansari tried to run over the victim by vehicle, I am not inclined to release him on bail. Accordingly, the bail application filed by applicant No.2 Mohammad Yusuf Ansari is liable to be and is hereby dismissed.
8. So far as applicant No.1 Mohamad Kari Akimuddin, applicant No.3 Asamaniya Bibi, applicant No.4 Mohammad Shameem and applicant No.5 Nasibun Nisha are concerned, considering the facts and circumstances of the case and nature of allegations leveled against them, I am inclined to release them on bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. by applicant No.1 Mohamad Kari Akimuddin, applicant No.3 Asamaniya Bibi, applicant No.4 Mohammad Shameem and applicant No.5 Nasibun Nisha is allowed and it is directed that they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju