

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7341 of 2016

Anshul Dubey @ Aakarsh Dubey, S/o. Shri Gaurishanker Dube, Aged About 21 Years, R/o. Moti Nagar, Boria Road, In Front Of Sharda Petrol Pump, Raipur, Police Station Tikrapara, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station City Kotwali, Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Y.C.Sharma, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.11.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.53/2016 registered at Police Station Tikrapara, Raipur (C.G.) for the offence punishable under Section 341, 294, 307/ 34 of Indian Penal Code and Section 25, 27 of Arms Act.
2. Case of the prosecution, in brief, is that on 04.02.2016 one Mohd. Nafis and Abrar Ahmed were going on bike in order to see Mohd. Aniz, who had sustained injuries in earlier fight, when they reached near Tarun Bazar, chased by the applicant, Anshul Dubey and after overtaking the motorcycle, landed into altercation and Anshul Dubey had stabbed the injured, Mohd. Nafis at his back.
3. Learned counsel for the applicant would submit that after rejection of the first bail application on 07.07.2016, the victim Mohd. Nafis and the eye-witness Abrar Ahmed have been examined and they have not supported the case of the prosecution and there is no

objection has also been preferred by Annexure A-3 to enlarged the applicant on bail; therefore, considering the same, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the victim Mohd. Nafis and eye-witness Abrar Ahmed have not supported the case of the prosecution.
5. Perused the case diary and the documents. Taking into fact that the victim and eye-witness have not supported the case of the prosecution, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge