

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7774 of 2016

1. Abdul Mahfuz S/o Abdul Rauf Aged About 22 Years R/o Kusmi, Police Station Kusmi, District Balrampur, Chhattisgarh
2. Mohd. Mumtaj Ansari S/o Rahmat Ansari Aged About 26 Years R/o Kusmi, Police Station Kusmi, District- Balrampur, Chhattisgarh

---- Petitioners

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station- Kusmi, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For the applicants : Mr. Kishore Narayan, Advocate.

For the Respondent : Mr. U.K.S. Chandsel, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-12-2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants who have been arrested on 20-6-2015 in connection with Crime No. 25 of 2015 registered at P.S. Kusmi, District Balrampur – Ramanujganj (C.G) for the offence punishable under Section 302, 201/34 of IPC.
2. As per the prosecution case, on 29-3-2015 deceased Lalchand Kusmi wile was watching Orchestra had altercation with the applicants and other co-accused. Thereafter, while deceased was returning he was intercepted by the applicants and other co-accused and he was strangulated and after causing murder dead body was packed in a bag and was thrown in Tarbandh Puliya.

3. Learned counsel for the applicant would submit that there is no evidence available against the applicants.
4. Per contra, State counsel opposes the bail application.
5. I have perused the case diary and other documents.
6. Most of the witnesses have been examined and the incident is of the year 2015. It appears that the case is at fag end of trial, therefore, at this stage, I do not find any reason to adjudicate the matter for consideration of bail by evaluating the statements of witnesses as it would amount to usurping the power of trial Court. In view of this I am not inclined to allow this bail application. Accordingly, it is rejected.
7. However, taking into fact that only Investigating Officer remains to be examined, the trial Court is directed to conclude the trial within a period of two months after receipt of a certified copy of this order.

Sd/-

(GOUTAM BHADURI)
Judge

Raju