

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 303 of 2017

Asgar Ali @ Ajju, S/o. Late Najab Ali, aged about 20 years, R/o. House of Firoj Kabadi, Maudahapara, Police Station – Maudahapara, District – Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Civil Line, District – Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Syed Imtiaz Ali, Advocate
For Respondent	:	Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/01/2017

1. This is the first 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.311/2015, registered at Police Station- Civil Line, Raipur, District – Raipur (C.G.) for the offence punishable under Section 307/34 of Indian Penal Code.
2. Case of the prosecution in brief is that on 20.05.2015 the applicant has assaulted Ishan Khan and Zaheer Ali by way of knife over their abdomen, which was enough to cause their death. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that Ishan Khan and Zaheer Ali have been examined before the Court below and they have not identified the present applicant and they have not supported the case of the prosecution. He further submits that medical report is also

blank and no inference can be drawn, therefore, the applicant, who is in jail since 26.05.2015, may be enlarged on bail.

4. Per contra, learned State counsel opposes the bail application.
5. I have heard the learned counsel appearing for the parties.
6. Perused the statement of Ishan Khan and Zaheer Ali. The medical report appears to be blank in this case. Considering the fact that injured have already been examined and further taking into the fact that MLC report is not placed before this Court, considering the same without any observation on merit, considering the detention of the applicant who is in jail since 26.05.2015, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge