

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1802 of 2017**

- Naushad Ali S/o Wali Mahammed, Aged About 23 Years R/o Kasaridih, Near Raza Fireworks, Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kotwali, Durg, District Durg, Chhattisgarh

---- Respondent

For Applicant	: Shri Maneesh Sharma, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy.GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24.4.2017**

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.147/2016, registered at Police Station Kotwali, Durg, District Durg (CG) for the offence punishable under Sections 307, 302 read with Section 34 IPC and Sections 25 and 27 of the Arms Act.
3. Learned counsel for the applicant submits that the applicant is arrested on 15.2.2016. After investigation, charge sheet has been filed before C.J.M. Durg in Cr. Case No.3667/2016. There

are 4 accused persons and out of 4, 2 co-accused were granted bail. The present applicant and co-accused Haider Ali are languishing in jail. As per allegations, there is one eye witness, Monu Sen who is injured. As per said witness, the applicant was having hammer but not assaulted the deceased though in the postmortem report along with other injuries, caused by sharp edged weapon one lacerated injury was noticed by the autopsy surgeon. In a query the said lacerated injury was not the cause of death of the deceased- Santosh Sinha. The applicant is the first offender and though he was present on the spot, but no overt act has been committed by him, therefore, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant was present, he had common intention with his brother Haider Ali who assaulted by knife to the deceased and eye witness Monu Sen. For this offence, under Section 307/302 IPC was registered against the present applicant.

5. I have heard the counsel appearing for the parties and perused the material.

6. On due consideration, as the applicant was present on the spot along with his brother Haider Ali and assaulted injured Monu Sen and also there is lacerated wound over the body of the deceased as he takes part in the incident, I am not inclined to grant bail to the applicant.

7. Consequently, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Certified copy as per rules.

Sd/
(Chandra Bhushan Bajpai)
JUDGE

sunita